

**UNITED NATIONS-REGIONAL ORGANIZATIONS
PARTNERSHIP IN PEACEMAKING:
A CASE STUDY OF KOSOVO**

*Dissertation submitted to Jawaharlal Nehru University
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MASTER OF PHILOSOPHY

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DECLARATION

I declare that the dissertation entitled “UNITED NATIONS-REGIONAL ORGANIZATIONS PARTNERSHIP IN PEACEMAKING: A CASE STUDY OF KOSOVO”, submitted by me in partial fulfillment of the requirements for the award of the degree of MASTER OF PHILOSOPHY of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

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Dedicated to

MY FATHER
Shri. Moharsingh

&

MY MOTHER
Smt. Pushpa Singh

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Chapter I

INTRODUCTION

One of the hallmarks of twentieth century international cooperation is the coexistence of organizations at both global and regional levels (Abi saab 1981: 4-15). Despite tensions between the two about the priority each should enjoy over the other specially in peace and security matters during much of the post Second World war period, the experience in the recent two decades highlights the potential of partnership between the United Nations and various regional organizations partly in matters of peacekeeping, post conflict peacekeeping and peacemaking.

Though UN is entrusted with the task to maintain international peace and security through different means elaborated in its Charter, it is not the panacea to all the global problems. It is just one, though important instrument for addressing the problems at hand (Claude 1964). The changing dynamics of post cold war world politics has necessitated UN to broaden its approach to maintain international security and peace.

In view of the changing nature of contemporary conflicts demands UN has begun to involve regional and sub regional actors in order to resolve the local conflicts effectively. Chapter VIII of the UN Charter provides scope for regional arrangements to prevent regional conflicts without using force and without contradicting the Charter principles viz., respect for sovereignty and non-intervention in the internal affairs of the states and other normative UN standards of international behaviour (Fawcett and Hurrell 1995: 42).

Many scholars have discussed the relationship between the universal and regional organizations as complementary and not contradicting with each other (Hettne and Soderbaum 2006: 27-36 and Rajan 1996).

Therefore, collaboration of regional and universal effort has become a must to maintain stability and peace in the world. The potential advantages of relying on regional actors are quite clear (Taylor 1993: 5-9). They can share resources,

information and responsibility. Regional actors can prove a major help in controlling local conflicts because of their experience and proximity with the place (Hampson and David Malone 2002: 15-32). They can help also in effective mediation by providing relevant inputs and influence.

However, potential disadvantages are not to be ignored. The interest of regional actors is closely linked with the conflict. This may hamper the resolution or can make it biased (Haas 1973: 551-581). Thus, regional actor's involvement to solve a regional conflict bearing the seeds of global conflict is not a straight jacket. It can increase the complications by fueling it with bias. On the other hand, a global institution alone cannot manage regional conflicts without the ready support of regional bodies. If the issue of partiality is checked by observers following the international norms then transparency can be achieved to a large extent (Gilady and Bruce 2002: 324-339). UN can lessen its burden and provide a better version of peace and security.

Hence, the international community will realize the full potential of UN and regional collaboration by minimizing the liabilities and maximizing the assets (Taylor 1993: 11-24). There have been major partnerships of UN with various regional organizations like the contribution of Organization of African Unity/African Union in Burundi and Sierra Leone, Liberia, Somalia and Sudan. Similarly; the Organization of American States (OAS) played a helpful role in settling the dispute between Haiti and Nicaragua. It also intervened in the conflict between El Salvador and Honduras. Another notable example relates to the role of the Association of South East Asian Nations (ASEAN) in Cambodia. It not only facilitated negotiations but also served as the third party mediator. NATO, OAU, OAS and ECOWAS collaborated with the United Nations for peacekeeping missions in different cases. Far more significant is the role of regional organizations in Europe—traditionally in economic and lately in political and security issue areas. The salience of North Atlantic Treaty Organization (NATO) and the European Union (EU) during the post Cold War era has become increasingly inevitable. The UN has looked to these organizations particularly to address issues of conflict in States of former Yugoslavia.

This study begins with the hypothesis that the UN has remained in the forefront of peacemaking while partnering with regional organizations. The study then moves onto exploring the precise nature of the collaboration between the UN and regional

organizations. One wonders, for example, what kind of difference such collaboration makes to the objective of achieving substantial peace. The study aims at examining how different and beneficial is the UN regional organizations partnership in peacemaking. The study will take up questions such as whether certain regions like Europe are more amenable for such partnership and, whether productive partnerships are forged between the UN and regional organizations. In particular this study explores how substantive is the role of regional organizations in collaborating with the UN to successfully clinch a negotiated peace in Kosovo. Through this case study and references to other such conflict zones it is aimed at clearly delineating the nature of partnerships in peacemaking.

The study seeks to test the hypothesis that the UN has remained in the forefront of peacemaking, with varied and mixed experiences in partnering with other relevant actors like regional organizations. In this regard, the case study of the Kosovo conflict may serve an apt tool to validate or reject the stated hypothesis.

For this study an inductive method based on selective qualitative and analytical techniques has been used. Primary sources like official documents and reports of the United Nations and other concerned regional organizations have been consulted. Secondary sources like books and journal articles have been consulted widely. A list of the sources used appears at the end of the study.

The following chapter, Chapter two, dwells on the various concepts of peacemaking and peace-building, besides the concept of peace enforcement. Alongside, the chapter examines peacemaking as practiced by the UN and also other actors.

Chapter three examines various issues in the Kosovo conflict. With a view to place the conflict in perspective, various deep seated and prominent issues are analyzed and historicized. As a result, the role of major players in the events preceding the 1999 military intervention and thereafter is highlighted.

The fourth chapter focuses on Kosovo to explain the endeavors undertaken by the United Nations as well as the European regional organizations to find a peaceful agreement to the Kosovo problem—both jointly and separately. Among the regional

organizations examined are the European Union (EU), NATO and the Organization of Security and Cooperation in Europe (OSCE).

The fifth and concluding chapter embodies the summary of the observations and overall assessment on the quality and character of the partnership between the global and regional arrangements involved in ushering in an era of enduring peace in Kosovo. The chapter will go on to discuss that the partnership between the UN and regional organizations is more a negative one than a positive one in general and particularly so in the case of Kosovo.

Chapter II

PEACEMAKING: PRECEPT AND PRACTICE

This chapter attempts to study the concept of peacemaking and the characteristics of mediation and negotiation as its chief techniques. How is peacemaking different from the other means of peaceful settlement? It seeks to explore the role of the UN Secretary-General as an international peacemaker in mediating the dangerous conflicts.

What are the limitations of the practice of UN peacemaking? Why are the regional organizations gaining significance as the partners of peacemaking with United Nations?

The concepts of peace, conflict, order and war, have always been the highly contested and interpreted in different shades in the study of international politics (Richmond 2002: 1). Resolving the intractable conflicts so as to create conditions for peace has become one of the fundamental aspirations as also frustrations of the practitioners of international relations. Intractable conflicts take place in the regions where the social inequalities and conceptions of identity and community are distorted. Such conflicts are characterized by the clash of interests between the two different communities and the notions of correcting historical wrongs.

The problems and the ramifications of conflict and peace are not just the local concern but global in their impact and management. On the one hand Peace is conceived as an interval between two phases of conflict, and on the other, conflict has become a long interval between two firm phases of peace. There are various approaches to maintain peace; peacemaking is just one of them. It requires pooling of human skills and cooperation at different levels between the conflicting parties and the peacemakers. Peacemaking offers different techniques for the termination of conflict. The techniques of peacemaking are not easy in actual practice. Peacemaking is a process not an isolated event. It involves a series of different steps addressing the causes of

the conflict. As a process, however, peacemaking is somewhat imprecise therefore, not very amenable to precise evaluation on manifest evidence, at least in the short run.

Concept of Peacemaking

The meaning of the term peacemaking based on its practice indicates that it is not just a product alone but “a process”, comprising various steps evolved over a period. However, the exact definition of peacemaking on paper describes it as “mediation and negotiation designed to bring the two conflicting parties to an agreement through the peaceful means mentioned in the Chapter VI of the UN Charter”. Peacemaking initiatives would seek to persuade the hostile parties to a peaceful settlement of their differences (Otunnu 1998: 4). The purpose of peacemaking is to prepare the ground for achieving a long term solution of the conflict without using the force. The kind of modes peacemaking applies to derive a long term solution can be divided into two separate categories namely legal and diplomatic means to approach the conflict at hand. The goal of achieving peace through peace is based on the principle that the peace can be maintained without resorting to use of force (Giladey and Russett 2002).

The approach of peacemaking is different from the other approaches to peace. Peacekeeping is politically impartial, temporary and a field activity to monitor a volatile situation from going out of control. Consent of the conflicting parties, impartiality of the peacekeepers and use of force by the lightly armed peacekeepers only in self-defense are the three core principles of the practice of traditional peacekeeping. Peacekeepers are deployed in the field and do not take sides in the problem; non-partisanship and peacekeeping seek to create conditions favorable to peacemaking and peace-building. Peacemaking deals with the causes of the conflict by isolating them from the consequences of the conflict and attempts solutions to the causes (Ottunnu, 1998). Peacebuilding is intended and expected to help in preventing repetition of a war. It became popular since the 1990s complicated intra-state conflicts. Peacebuilding works towards reconstruction of equitable economic and social order of the conflict ridden country. Scholars like Zacher Mark and Richard Price (2004) view it as a continuation of peacemaking itself. Some others Ramcharan (2008) call it the second name for peacemaking. This draws one’s attention towards the overlapp of ambitions and approaches among three different concepts. Thus, in the contemporary context the practice of peacekeeping, peacemaking and peace building

have become quite confusing, as the line of distinction has blurred due to the overlapping of their mandates and missions.

Some Western scholars like Rubin Barnett and Jones Bruce (2007) put all these similar sounding concepts of peacekeeping, peacemaking, peace-building under a single heading “peace operations” to remove the confusion associated with these concepts. The period of 1990s witnessed shifting boundary lines between the different peace operations. Some peacekeeping experiences of 1990s are also counted as peacemaking due to the mixing of the mandate. Since 1945 to 1988, UN initiated 15 peacekeeping operations. Between the year 1988 and 1994 the Security Council quadrupled the resolutions it issued, tripled the number of peace operations it authorized and increased the frequency of imposing economic sanctions from one to seven per year. The peacekeeping budget increased from USD 230 millions to 3.6 billions during the same period. The management of even civil wars and humanitarian emergencies also became the legitimate spheres, which was not the case earlier. The involvement of UN in these situations is mandated to work for demobilization of troops, promotion of national reconciliation, organization and monitoring of elections, restoration of government and long term economic and social assistance. Thus, the UN peace operations had become more expensive, complex and dangerous in post cold war era (Muthiah and Takashi 1999:5-17). This has pushed the UN to collaborate with other actors. The United Nations was been engaged in many different and more complicated situations of conflict and conflict resolution, which, in turn, deeply enmeshed UN bodies in complicated humanitarian and security dilemmas.

Responding to this new wave of UN peacekeeping and peacemaking activity, Secretary-General Boutros Boutros-Ghali issued an important study, *An Agenda for Peace*, in 1992 (with a supplement in 1995) in which he discussed the need for improving the strategies of preventive diplomacy as well as peacekeeping, peacemaking, and peace-building activities. He offered a new vision for the role of United Nations in the maintenance of peace and security. He defined peacekeeping as “military and civilian deployment for the sake of establishing a United Nations presence in the field, hitherto with the consent of all the parties concerned as a confidence building measure to monitor truce between the parties while diplomats strive to negotiate a comprehensive peace,” (Boutros-Ghali, 1992). Whereas, peace

building refers to post conflict measures taken to foster economic and social cooperation to build confidence among previously conflicting parties; the reconstruction social, political, economic infrastructure to avoid future violence; and create the conditions for the durable peace.

The experience of United Nations with peace is long, and marked by accomplishments and setbacks. Peacemaking is a long process intended to facilitate an amicable agreement among the contending parties so that conditions indispensable to turn a conflict prone zone into a peaceful environment after violent conflict prevail. Though the UN is just one of the actors that initiate peacemaking, it is the most experienced one. The Palestine problem, for example, has tested the skills of peacemaking by the UN and other actors ever since the conflict broke out after the Second World War. The ongoing struggle of Israelis and Palestinians over the territory and political control resulted from the quest for national identity and self-determination. The United States, Great Britain, Russian Federation, Arab states, all tried to mediate the conflict to enhance their own national interest. The United Nations has been involved heavily in peacemaking in this zone since 1947. The UN special Committee on Palestine (UNSCOP) tried to create two separate states one Jewish and other Arab based on General Assembly Resolution 181 in 1947.¹ There is a stalemate and neither party is ready to compromise on the core issues. The success of the peacemaking mission to some extent depends upon whether the contextual factors are hampering it or helping the process.

The UN peace related activities have been evolving over the time to tackle the challenge at hand. The stages of evolving UN peace operations are broadly categorized in different generations. The first generation peace operations or traditional peacekeeping activities include the early activities of UN which requires an interposition of a force after a truce has been agreed. Unarmed or lightly armed troops with blue helmets are stationed between the hostile parties to monitor the truce. They create conditions for political negotiations to proceed further based on transparency and impartiality. Some of the examples of first generation peacekeeping are

¹ In recent decades, the United States has attempted to take a leading role in managing the conflict and has worked to exclude the United Nations from participation. It sponsored many peace conferences to resolve the conflict unilaterally. However, subsequent agreements such Oslo I, Oslo II, Cairo, Wye River I, Wye River II, Camp David Summit, etc could not resolve the issue (Rudolph, Jr., 2003: 165).

Tajikistan, Georgia and between the borders of Kuwait and Iraq as buffer zone etc. The second-generation peace operations were more ambitious which relied upon the consent of the conflicting parties. It involves the implementation of complex and multi dimensional peace agreement. Apart from traditional military functions, peacekeepers are often engaged in police and civilian activities. However, the nature and purpose of taking consent of conflicting parties differed qualitatively, marking the shift between the two generations. The third generation peace operations would include peace enforcing missions and require post war reconstruction. They extend from low military operations to protect the delivery of humanitarian assistance to the enforcement of ceasefire. The Secretary-General Boutros-Ghali stated in his agenda for peace that for the success of peacekeeping and peacemaking operations it is necessary that the comprehensive efforts should be included to identify the supportive infrastructure, which would help to consolidate peace (Boutros-Ghali 1992:11-15). Thus, increasingly peacekeeping and peacemaking have come to assume each others space.

Finally, preventive diplomacy and peaceful dispute settlement cannot be imposed by the UN on intractable parties. Success, therefore, requires patience and a keen sense of knowing when the moment is ripe that is, when the parties are ready to give up the option of war but need help in finding the terms on which to make peace. Recognizing that moment and acting quickly and creatively when it arrives is the art of the peacemaker.

Mediation Technique

Mediation is a process in which a neutral third-party assists in resolving a dispute between two or more parties. It is considered as a non-adversarial approach to conflict resolution. The role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties in an effort to resolve the conflict. Unlike arbitration, where the intermediary listens to the arguments of both sides and makes a decision for the conflicting parties, a mediator assists the parties to develop a solution themselves. A successful mediation effort has an outcome that is accepted and owned by the parties themselves. The role of a mediator is of a communicator, formulator and manipulator depending on the intensity of the involvement in finding

solution and management process (Bercovitch 1996: 39). As an effective communicator, they keep the line of communication open for the two conflicting parties. As manipulators, they are expected to deal with incentives, outcomes, and proposals. Although the mediator plays a role of the third party, he or she has to be keen and interested to derive a middle path of averting the conflict without resorting to any kind of violence (Zartman 1991:312-316).

The main functions of mediation can be listed as: providing a suitable atmosphere for negotiation; encouraging the proper parties to get involved; helping to set basic rules; helping the parties define the agenda; helping identify and reframe the issues; encouraging the parties to communicate more effectively; finding areas of common ground; encourage fair and effective negotiation and sometimes, drafting an agreement (that the parties have articulated) for the parties to sign.

Qualities of a mediator: The role of mediation can be played by an individual person, individual state, or a group of states, international organizations, etc. There are several qualities and skills a mediator is expected to possess. A mediator should be effective communicator. He/she should not be biased towards any party. A potential mediator maintains equal contacts with both the parties. His/her quality is to act as a neutral third party. A mediator should be well informed and familiar with the background of the conflict and the preferred alternatives of each party. He/she should be interested in resolving the conflict by convincing both parties to choose middle path. He/she should be an experienced and reputed personality such as the Secretary-General of United Nations, his special representatives etc. He should be sharp and alert with a good sense of timing and know when to mediate. The timing is critical for both preventive action and peacemaking. The signs of an impending conflict are usually obvious to anyone paying attention, but the mediator must have the analytical skills to make timely recommendations. Similarly, a potential peacemaker must follow a conflict closely to know when the situation is ripe for timely diplomatic intervention and to know how to intervene in a sensitive and constructive way (Zartman 505). A mediator should be able to stir political will to find a solution. If political will is there in the conflicting parties or mediator is able to create then the mediator's job is half done. This was an important feature of the Bahrain and Iran-Iraq examples is that in both cases the parties were looking for a way out of the conflict. In 1970, Iran had no

interest in waging a war with Britain, and vice-a-versa. Similarly, by 1987, continued fighting between Iran and Iraq could well have led to the collapse of both states. Diplomatic intervention, seems to be the most constructive when the parties are ready to make peace or avoid a war but are incapable for political reasons of dealing with each other directly. A mediator should be ready to take advantage of such opportunities (Otunnu, 1998: 94). The challenge for the peacemaker is to keep abreast of potential or ongoing conflicts so that when the time is ripe for intervention, he or she can seize the opportunity by proposing solutions that the parties find acceptable but are not in a position to propose for themselves.

The exercise of mediation calls for use of political skills for exploring such techniques as "Good Offices," without the use of force and in keeping with the principles of the UN Charter. The United Nations mediators engage in a process as a third party, when those in conflict either seek or accept the assistance of the United Nations with the aim to prevent, manage or resolve a conflict. Mediation skills, therefore, could be employed in all of the following contexts: prior to conflict through preventive diplomacy; during a conflict through peacemaking activities; after a conflict to promote implementation modalities and agreements during peace building efforts to consolidate peace and lay the foundation for sustainable peace (Murthy. 1989: 21-66). This means that they accept that the mediator is there to help and provide them solutions to resolve their conflict. Mediation involves a range of functions: to meet and hear all parties to the conflict; consult all relevant parties for the resolution of the conflict; propose ideas and solutions to facilitate the resolution to the conflict. While the final outcome has to be agreed to by the parties, being a mediator entails a much greater responsibility and involvement in the outcome of the conflict. As in other mediations, a United Nations mediated outcome is not binding, unless the Security Council determines to enforce the agreement. Final implementation of the mediated agreement rests upon the commitment of the parties. A United Nations mediation mandate is particularly useful to the parties as it gives them the opportunity to avail themselves of the experience and best practices that the United Nations, as an organization, has gained in the field of conflict resolution.

Although a mediator cannot force an outcome, the process is very often effective. The key is the ability of the mediator to create a more productive discussion than the

parties could have had by themselves. The mediators help the parties determine facts; they show empathy and impartiality with the parties; and they help the parties generate new ideas. Mediators also exercise political skill and use persuasion to get people to soften hard line positions. Often, though not always, they have a lot of background knowledge of the issues associated with the dispute. However, many mediators are highly trained and experienced, not all are professionals, and they come from many different walks of life. Lawyers often believe that the purpose of mediation is rapid and efficient settlement of a particular case. However, mediation theorists disagree on this point (Peck 1995: 328-336). Sometimes the purpose of a mediation is more to improve relationships among parties who will have to deal with each other again, or even to help them learn how best to handle conflict with other parties in the future (Bilder 1997).

Jacob Bercovitch, one of the most renowned scholars on this subject, has examined 241 international conflicts occurring from 1945 to 1990. He notes that the technique of mediation was attempted, in 60 per cent of those conflicts. Nearly 600 mediation attempts made over the course of those conflicts. Based on an analysis of these mediation attempts, he identifies a number of factors which correlate strongly with successful mediation. Democratic states are often believed to be less likely to engage in conflict than non-democratic states. However, Bercovitch finds that once engaged in conflict, the political make-up of a state has little impact on that state's likelihood of accepting mediation. Bercovitch also found that mediation was most likely to succeed when the adversaries had well defined and legitimate identities. Mediation was most successful (64%) where one or both of adversaries had no significant cultural minority. Power disparities between adversaries were also a significant factor. Mediation was most successful (51 per cent) where there was little difference in power (Bercovitch 1996: 45). Conversely, mediation was least successful (33 per cent) where the power difference was great. Regarding the timing of mediation, Bercovitch finds that "preventative mediation is more effective when it is initiated early, but not before the parties' positions have crystallized". Low fatality rates (100-500) were correlated with relatively high mediation success rates (64 per cent). High fatality rates (10,000) were correlated with low mediation success rates (39 per cent).

Bercovitch finds that preventive mediation appears to be more effective at addressing certain issues than other techniques. Mediation theorists have clearly distinguished all types of disputes broadly in six categories, in which mediation results mostly in positive outcome (Bercovitch and Schneider 2000: 145-165). Bercovitch grades the disputes according to their rate of success. Resource disputes had the highest rate of successful mediation (70 per cent), followed closely by ethnic disputes (67 per cent). The third type of dispute can be ideology disputes (50 per cent), followed by sovereignty disputes (45 per cent) and lastly security disputes (41 per cent).

Many authors have argued that impartiality is a crucial ingredient to a mediator's success. However Bercovitch argues that "effective mediation is more a matter of resource utilization, leverage, and influence than it is a matter of impartiality," (Bercovitch 1991, 1992, and 1996). Mediators who employ directive strategies are more likely to be successful (52 per cent) than mediators who employ a communication-facilitative strategy (32 per cent). The mediation environment is also a factor influencing success. Mediation was most successful when it occurred on the mediators' territory (54%) or on neutral territory (50 per cent). Mediation was less successful when held in the parties' territory (45 per cent) and least successful when it moved between a numbers of sites (36 per cent). Mediation that focuses on settlement is sometimes termed problem-solving mediation; mediation that focuses more on relationships is called transformative mediation. While many mediators pride themselves on their neutrality, some observers believe that it is impossible for any human being to be truly neutral. Others have concluded that even biased mediators can be useful, as long as the bias is not hidden from any party and parties have an opportunity to protect themselves against its effects. International mediations are often of this type, because an effective international mediator is often a foreign minister or president of an influential country, even though everyone understands that the mediator's country has interests of its own. President Carter's mediation between Egypt and Israel is a case in point of this.

Other Techniques

Another technique of peacemaking is conciliation. In international legal terminology, conciliation differs from mediation in the sense that in the former the intermediary not merely functions as a medium of communication between the parties, but also plays

an active role of suggesting to the parties the terms of settlement. Even in mediation or extending good offices, the intermediary may play some active role of suggesting to the parties the terms of the settlement. Whereas under the conciliation procedures as provided under treaties, the parties concerned are required to state their cases in writing and permitted to make oral presentations. The conciliator, or a body of conciliators, recommends a set of terms of settlement. It is then open to the parties either to accept or reject the terms, unlike in arbitration or judicial settlement, wherein the parties are bound to accept the award or judgment.

The conciliator should possess some skills to be successful. First, he should be able to conduct himself in such a manner that he appears to both the parties as quite impartial and objective. Second, he should be able to present to the parties different alternatives of settlement out of which the parties may make their choice (Lederach 1997). There is the possibility that a conciliator may be so placed that he can offer something in return for what a party is asked to give up. A good intentioned big power mediating between two small powers may be able to do that (Cloke 2001). The World Bank was able to bring about a settlement between India and Pakistan regarding the sharing of the Indus waters offering a big loan for some irrigation projects.

In mediation or conciliation, the intermediary exercises some power over the parties to the dispute. The intermediary may choose what to communicate to the parties, what to omit, in what language to communicate, and how to time the communication. It may be the case that the proposals given for settlement are not always fully impartial, and sometimes may be designed to serve the interests of the intermediary. This shows the reason why often parties to a dispute are reluctant to accepting mediation or conciliation. The consent of the parties becomes important, without which neither extending good offices, nor mediation or conciliation would be possible (Touval and William 1995).

Enquiry is another significant technique of peacemaking. At the First Hague Peace Conference, 1899, this procedure was devised as an alternative to arbitration, so that those who may not be willing to accept arbitration may accept this procedure. In this procedure the parties agree that the intermediary will investigate the disputed questions of fact between the parties and give his finding. They may also agree that the intermediary will supply clarifications on questions of law. In the light of such

findings and clarifications, the parties may reach an agreement to settle the dispute; or they may reject the findings and clarifications. In the past this procedure did help to solve some disputes.

Arbitration remains now a useful alternative to the parties when they do not desire to go to a court but want to abide by a third party decision. The relative flexibility in arbitration in the choice of the members of the tribunal, and of the law and procedure of the tribunal, may provide an attraction to the parties to prefer arbitration to judicial settlement. Arbitration is a quasi-judicial mechanism through which conflicts can be solved. It is an adversarial process, which is governed by a principle of party autonomy. This means that it is the parties to a conflict who determine whether they want their dispute to be solved through arbitration. Thus the arbitrators derive their authority solely from the parties. Parties are free to choose the place (seat) of arbitration, and often do so through a contractual clause before a dispute emerges. Arbitration processes are convened on an ad hoc basis, and the parties influence the composition of the arbitration panel and/or the selection of a specific arbitrator. The parties determine the "rules of the game," either by designing the process themselves or by choosing the seat of arbitration. In the latter case the parties agree to make use of existing institutions, which provide facilities and a set of adopted rules that govern the process. In numerous cases, arbitral awards are conclusive, final, and binding. However, it can occur that the unsuccessful party challenges the award by claiming that the arbitrators exceeded their power, or by asserting that they cannot be bound by a foreign award. In a small number of cases, national arbitration legislation allows for the right of appeal. This fact can be attributed to a lack of established enforcement mechanisms to enforce international arbitral awards. The flexible but formalized procedure before an arbitration panel or an arbitrator is often too long and expensive, and thus undermines the utility of the mechanism. In addition, there is another, more compelling reason for states to avoid arbitration as a means of resolving disputes. Arbitration is characterized by an adversarial process, which in most cases ends with a win-lose solution. Without a formal enforcement mechanism, such an outcome is less sustainable and can lead to re-escalation of conflict or non-abidance to the decision. Thus an arbitration award or court decision should only be sought if the parties fail to reach a cooperative, negotiated agreement that could provide them with a win-win solution. However, arbitration continues to be an effective tool for conflict resolution,

especially for international and national commercial or investment disputes, as well as labor disputes (Burton 1990).

The Secretary-General Boutros Boutros-Ghali suggested in the Agenda for Peace that the International Court of Justice would be an effective tool for peaceful adjudication of disputes. In the case of interstate wars or the threat thereof, the ICJ would be an effective entity for settling disputes. Two problems exist, however: first, only states can be party to disputes in the ICJ. Thus, civil wars could not be adjudicated in the ICJ. Second, the ICJ has no effective enforcement mechanisms. Thus, any unfavorable decision made by the court is likely to be ignored. Other international courts exist but their jurisdiction is more limited. The European Court of Human Rights and the European Court of Justice are such examples. As international courts often lack enforcement mechanisms, effective peacemaking strategies should rely on the threat of force, if other negotiating strategies fail. Negotiation, arbitration, and mediation are still the first choice for third parties in armed conflicts, but the threat of force should not be ignored. Legal mode to peace would include judicial as well as legal track to peace is less preferred method by the conflicting parties. However, the peacemaking options may shift from one to another as per convenience or circumstances.

The successful experience of UN in peacemaking cannot be subjected to fixed criteria (Bercovitch, 1992: 99-112). It keeps changing, depending on availability of other choices. Peace on paper is not the same as peace on ground. Whether the contextual facts are hampering or helping the process of peacemaking, determines the outcome. The technique of mediation actually creates a link of chain events and strives to find a middle way. Peacemaking is subject to acceptance of concerned parties. Suggestions can not be imposed; if it is the case then it is peace enforcement not peacemaking. Good offices and mediation are clubbed together as important peacemaking mechanisms. UN Security Council, Secretary General, special representatives of Secretary-General are among the potent actors in mediation. The next section of this chapter will examine all these mechanism of peacemaking in detail.

UN Action in Peacemaking

The UN Charter provides a legal basis to UN for its peacemaking activities. Chapters VI and VIII serve as the frameworks in this regard. The UN Charter states that the first and foremost objective of United Nations is the maintenance of international peace and security and peaceful settlement of disputes is stated as an integral part of the prime objective. The settlement of disputes must be in conformity with the principles of justice and international law and not by way of appeasing an aggressive power by unjust and unlawful settlements. The second objective is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to strengthen universal peace (Article 1.2). Article 33 under Chapter VI of UN Charter states, parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means (Goodrich, et al, 1969).

Chapter VIII of the UN Charter, article 52.1 encourages the role of regional organizations or arrangements in resolving the regional conflicts without violating the principles and purposes of United Nations. Article 52.2 states that the regional agencies should be the first resort to deal with the conflicts. The regional bodies should be encouraged by the Security Council to resolve their local conflicts peacefully. The Security Council is empowered to utilize the regional organizations for the enforcement action under its authority. It also makes clear that no regional organization can take enforcement action without the authorization of UN under the Article 53. However, the use of force is reserved as the last resort in all conditions. When all the other efforts fail, force can be countered through force (Goodrich 1969). The UN appeals for peaceful settlement of differences should not be interpreted as the sign of weakness. It is not the only option, it is the first option. Coercive force can be used or authorized by the UN to restore peace when breached.

Among the UN organs the Security Council, General Assembly and the Secretary General all play major and complimentary roles in fostering the peace and security in their different capacities. When a dispute is brought to its attention, it can appoint

special representatives, ask the Secretary-General to use his good offices, can dispatch fact-finding missions, and undertake investigation and mediation. Such attempts convey the conflicting parties that the international community is vigilant of their actions. It can also act on its own by sending missions to the critical situations such as Somalia, Burundi and Western Sahara.

The role of General Assembly is another significant instrument of the UN practice of peacemaking (Luck 2006: 72-75). The Article 11 of the UN Charter makes it responsible to “consider the general principles of cooperation in the maintenance of peace and security”. It is empowered to make recommendation to member states or to Security Council or to the both for the same reason. The most important part it plays by offering the means for finding consensus on difficult issues. It provides a forum to discuss any question related to the maintenance of international peace and security brought before it by any member state, Security Council or by a non-UN member state. It can also bring to the notice of the Security Council if a particular matter is a security threat. The General Assembly considers the peace and security issues under its first committee that is disarmament and international security and its fourth special political and decolonization committee. From time to time it has adopted declarations on peace, peaceful settlement of disputes and international cooperation.

The role of Secretary-General as mediator is outlined in the Charter of United Nations. The success of the mediation process by the Secretary-General to a large extent depends on his personal traits, professional background, and ability to network formally and informally among the most influential members of Security-Council and General Assembly.

As mentioned in the previous section the United Nations peacemaking is an extension of the parties' own efforts to manage their conflict. The Secretary General may also undertake independent peacemaking initiatives by offering his "Good Offices" to parties to resolve the conflict in a peaceful way (Bercovitch 1996: 91-100). Various incumbents right from Trygve Lie, the first Secretary-General, have exercised their power to send fact-finding missions to make the availability of information and facts (Newman 1998: 23-31). At times, the Secretary-General found it necessary to deviate from an unhelpful authorization given by a deliberative organ, and improvised a more convenient method to achieve the desired result in a difficult situation, as it happened

in the early 1950s when Dag Hammarskjöld evolved what came to be known as “peking formula” to ease off Sino-American face off. He managed to negotiate with the Chinese government for the release of American Airmen by setting aside General Assembly as he considered it too judgmental for enabling a face saving solution. The tradition of “quiet diplomacy” in the UN was his contribution. The basic features of this art were mainly the reducing the public pressure to the minimum, while increasing the private pressure to the maximum. The very ‘quietness’ of his initiative also helped him to be successful in solving complex problems (Newman 1998). His successor U Thant and his special representative Ralph Bunch successfully mediated the conflict over Bahrain, which was a British colony until 1970s. Iran laid its claim over the territory of Bahrain declaring it the 14th province of the country. Months of secret negotiations led by Bunch produced an agreement to allow Secretary-General to send a special representative to ascertain the wishes of the people of Bahrain. On the demand of Iran a plebiscite was organized which helped in determining the political status of Bahrain. Thus, the conflict was successfully mediated. Brian Urquhart named it ‘textbook example of quiet diplomacy’ (Kille 2007).

Two other Secretaries-General, Kurt Waldheim of Austria (1962-82) and Javier Perez De Cuellar (1982-92) were credited for successfully mediating some bitter conflicts, such as the military ceasefire intervention in Afghanistan (1998), decolonization of Namibia (1989). However, the effort to avert the first Gulf War (1991) and achieve voluntary withdrawal of Iraq’s troops from Kuwait did not bear fruit. One finds that the role of Secretary-General has faced new challenges in the years after the cold war (Musambachime 1999: 37-47). The early euphoria about the peace dividend gave way to the distancing between the United States and United Nations. Boutros Boutros-Ghali stint as the Secretary -General (1992-96) conducted six rounds of talks between the government of Portugal and Indonesia to resolve the East Timor question. Progress in the first four rounds was slow but in the last two rounds things moved in positive direction. Conflicting parties who had never sat around a table were busy in negotiations for three days. Even parties managed to agree upon an eight point declaration. However, it did not directly resolve the East Timor problem but it created some ground to proceed towards it. In the sixth round of negotiations, the permanent representatives of Portugal and Indonesia participated. Yasushi Akashi was the UN special representative in the negotiations. His successor Kofi Annan of Ghana (1997-

2006), was an insider in United Nations, who served the organization for 38 years. He was known for being a consensus builder, soft spoken and polished diplomat. He is remembered for managing the multiplicity of challenges better. His rating has been high especially after getting Iraq to sign the undertaking that the country will abide to the Resolutions passed by Security Council (Akashi 2001). He effectively put to use his good offices to persuade Iraq's President Saddam Hussein to agree to allow access the UN arms inspectors as demanded by the US in 1998.

Despite the breakthroughs referred above, the record of the UN in mediation and peacemaking is only a mixed one due to inadequacy in cooperation from governments and other players, resources, finances and structural deformities. The adverse impact of this is growing gradually and is heading towards what some scholars have termed as 'crisis of the expectations (Thakur and Thayer 1995: 5-7). This breach is not just confined to peace operations but it is equally affecting other developmental activities headed by the sub agencies of the organization as well. The limitations in peacemaking are marked by the lack of clarity in the approach, patience to deal with the conflicting parties and availability of an eagle's eye to point out the right timing and choosing the right way to appeal.

Peacemaking has become both time and money consuming. The UN faces paucity of both, as it is usually engaged in multiple conflicts in different capacities. It works as peacekeeper, peacemaker and peace-builder simultaneously. Peacemaking often translated into a over stretched effort. Such as the example of conflict is the Jammu and Kashmir conflict between India and Pakistan. It is one of the most prolonged, difficult and still unsettled conflicts in the history of United Nations peacemaking.² Another limitation of peacemaking effort is the uncertainty of the support from political inter-governmental bodies of the UN. The complex and unpredictable relationship of Secretary-General, Security Council and the General Assembly affects the prospects of the peacemaking missions. Although, mediator's role is enhanced by the support of political organs of the UN and the relevant member states, they can

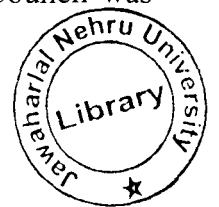
The United Nations Military Observer Group in India and Pakistan (UNMOGIP) established by the UN Security-Council to monitor the Kashmir dispute in January still exists. The dispute defied the recommendations of the Security-Council to result in any agreement. The Secretary-General U Thant traveled to conflict zone and negotiated new cease-fire between the two. Another UN India-Pakistan observer Mission (UNIPOM) was installed to patrol and observe the border between the two (Gorman 2001: 101).

curve it as well. Apart from this, lack of the consent of government for UN good offices or mediation role presents a big obstacle to peacemaking. No doubt, the UN has averted the eruption of a major war many times. However, avoidance of a major war cannot be credited to UN alone. There are many factors contributing to this reality such as impact of 'soft power', apart from nuclear deterrence, mutual assured destruction on a practically unacceptable scale. But there have been minor wars, such as between India and Pakistan, Iran and Iraq, Great Britain and Argentina, Israel and its neighbors, etc. Civil wars and internal conflicts have, however, taken a very heavy toll. The Security Council had to respond by peacekeeping, peacemaking and peace building operations in reference to such situations. In some cases, the Council was quite successful, in others it was partial success and in some it was failure.

Non-UN Actors in Peacemaking

UN is just one of the several actors devoted to maintain peace and security in the world, though it enjoys international authority and legitimacy to take action in name of entire community. It has certain inherent limitations, which hamper its efforts. Recognizing that the UN lacked resources and local expertise to fully deal with new types of missions, Boutros-Ghali led an effort to give primacy to regional organizations in dealing with many conflicts. During the Cold War, regional organizations served as a substitute for the UN when superpower conflict hindered the functioning of the Security Council. The current trend appears to be that the UN seems willing to hand over responsibility for peace and security to any form of "coalition of the willing." The UN itself reached this conclusion in a recent report, noting that the United Nations does not have, at this point in its history, the institutional capacity to conduct military enforcement measures under Chapter VII of the UN Charter. Under present conditions, ad hoc Member States coalitions of the willing offer the most effective deterrent to aggression or to the escalation or spread of an ongoing conflict. The Organization still lacks the capacity to implement rapidly and effectively decisions of the Security Council calling for the dispatch of peacekeeping operations in crisis situations. Troops for peacekeeping missions are in some cases not made available by Member States or are made available under conditions that constrain effective response (Chayes and Chayes, 1996: 54-66). Peacemaking and human rights operations, as well as peacekeeping operations, also

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lack a secure financial footing, which has a serious impact on the viability of such operations. One finds that a division of labor emerging where police services become the domain of UN peace operations, while military operations are left largely to regional organizations or ad hoc arrangements. This fact is unlikely to alleviate concerns that missions often lack a sense of unity. It does seem necessary for inter-government organizations to take collective responsibility, as the advantage of the UN is that it is a truly global voice and possesses a highly comprehensive set of institutions. When developing countries coordinate through regional organizations in UN decision-making, it proves perhaps the most effective way for them to gain greater influence. Additionally, regional organizations are better placed as they are more familiar with local conditions, culture, and actors. They benefit from lower costs and faster response. Some scholars like Zartman (1985) argue that regional action often proves less objectionable because it is less likely that the action will be seen as setting a precedent.

Without doubt there are some disadvantages attached with the depending of regional organizations as well. At the regional level, however, politics can lead to favoring one side over another. This perception often creates reluctance on the part of combatants to accept outside interface. Regional hegemony is also better able to manipulate more localized organizations. What is more, most regional organizations are even more resource poor than the UN is, and the political willpower to act often is missing. It may be true that regional organizations are most useful on the civilian side of peace operations, providing, for example, election or human monitors, in cooperation with the UN. However, the ability of different regional organizations to respond to conflict varies a great deal. Regional organizations have both expanded in number and scope because many often overlap in a given territory. Since the end of the Cold War ample examples show that the regional organizations are expanding their capacity to take on a mediation role. The Organization of African Unity (OAU) now known as the African Union (AU) has added a section to its Secretariat to aid in conflict resolution.

However, in Africa itself numerous sub regional organizations exist. They often compete with the African Union and share a relationship based on rivalry. It hampers the opportunity of collaborating with each other to manage the challenges faced by the continent jointly. Congolese civil war of early 1960s and underlying rifts

threatened to pull Africa apart. Naturally the growing sub regional competition neither enhanced the perception of the continental security nor lessened the organizational chaos (Franke 2007: 1-7). The successful journey of Organization of African Unity (OAU) to African Union (AU) from 1963 to 2002 indicates that the political leaders understood the value of integration of African various divisions on a single stage where all deserve equal status. It encouraged the idea of the pan African identity. The occurrence of devastating conflicts in Africa paved the way for sub regional entities to cooperate and complement each other along with AU. The sub-regional bodies like IGAD successfully mediated in Sudan, similarly, the intervention of ECOWAS was successful in Cote de Ivoire, Sierra Leone and Liberia. African Union has also been engaged in Burundi and most significantly the ongoing mission of African Union in Sudan. However, there are challenges ahead for African regional groupings such as the bloated institutional landscape, continuing competition and duplication of efforts. The Inter-Governmental Agency on Drought and Development (IGADD) in the Horn of Africa, the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS), and the West African Economic Community (CEAO) has all mediated disputes within their respective regions (Van De Merve 1989).

Similarly, the North Atlantic Treaty Organization (NATO) and the Monitoring Group of Economic West African States both have provided peace force to engage in peace enforcement. The Organization for Security and Cooperation in Europe (OSCE)³ has gone farthest in working to construct common norms. It has been unique amongst most regional organizations in engaging in preventive diplomacy and peace building operations (Hilaire and Morris 2000). It has established local offices to facilitate communication and provide advice. Therefore, among all regional organizations, it has been able to minimize potential power struggle amongst the membership as to how to deal with problems. The OSCE has had modest goals and significant success in handling ethno-political conflicts in Eastern Europe.

³It was created during the phase of detente in early 1970 as Conference on Security and Cooperation in Europe to provide a forum for negotiation between the East and the West. It is the largest regional security organization in the world with 56 participating states including Europe, Central Asia and North America. It has three security dimensions: the politico-military, the Economic and environmental and the human dimension. It covers wide range of security concerns including confidence building measures, early warning and post war rehabilitation (Fawcett and Hurrell 1995: 14).

OAU/AU the Organization of African Unity (OAU) which converted into the African Union (AU), on the other hand, has had limited success in dealing with regional conflict, as members are very sensitive about the protection of sovereignty. Despite the creation of new powers and a formal dispute mechanism, the OAU/AU has been largely ineffective in managing African conflicts such as those in Rwanda, Burundi, the Democratic Republic of Congo (DRC), and Comoros. The organization has been preoccupied with efforts to resolve despite the creation of the mechanism, the OAU/AU has been an active but peripheral actor in most cases. The UN and sub-regional organizations like the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) have often taken the lead in managing conflicts in countries such as Sierra Leone, Liberia, Lesotho, and DRC. The AU's marginal role thus far can be attributed to it being new and inexperienced in the field of conflict management, the sheer overwhelming scope of conflict across the continent, and longstanding financial, organizational, and mandate issues from the pre-1993 era.

Many other regional organizations are also working to enhance their ability to respond. For example, ECOWAS and SADC are working to develop early warning capabilities. The complex nature of international conflicts and limitations of UN as a forum of 'peace loving' nations urges UN to involve regional organizations in resolving threats to global peace and security effectively. Therefore, the role of these non UN identities is gaining popularity. The factors responsible for this inclusive approach to international dispute settlement are multi dimensional. Regional organizations such as the OAU, Organization of American States (OAS) and the League of Arab States, have had some success with interstate conflict resolution: the OAU in the conflict between Tanzania and Uganda; the OAS in a Nicaraguan conflict; and the Arab League, Islamic Conference and Algeria in the Iran-Iraq war. The EU and the Organization for Security and Cooperation in Europe (OSCE), the newer European mechanisms for conflict management, have both shown considerable involvement in regional conflicts in the last decade as witnessed by their efforts in the former Yugoslavia.

It is not true, that the regional organizations have only success stories to share with the international community. There are examples which exhibit mixed results. The

Organization of American States (OAS) generally does not interfere in the internal workings of members, but has worked in conjunction with the UN to promote conflict resolution. The Association of South East Asian Nations (ASEAN) has sought to avoid involvement in members' internal affairs, but has developed a capacity for consensus building. Since 1990, ECOWAS has been active in West Africa. Since July 1992, Russia and the Commonwealth of Independent States (CIS) have been active in Georgia, Azerbaijan, and Tajikistan. The European Union was paralyzed by internal disagreement on how to respond to Yugoslavia, and NATO proved useful there when the UN Security Council could not agree on a course of action. It was NATO's Implementation Force (IFOR) that took over from the over-extended UN Protection Force (UNPROFOR) in the former Yugoslavia at the end of 1995 that has brought regional peace operations to the forefront. NATO's mission in Bosnia and the Italian-led OSCE operation in Albania also served as models of regional organizations stepping in where the UN lacks the capability or the will to act.

Unilateral attempts can also boast some successes: the United Kingdom in the Rhodesian-Zimbabwe conflict; New Zealand in the Papua New Guinea conflict; the Contadora Group in Central America; and the United States in the Middle East. Various NGOs have also achieved successes: the Vatican, mediating between Chile and Argentina in the Beagle Channel conflict; the Quakers, in numerous lower profile cases; and the mediation of The Carter Center in the conflict between Ethiopia and Eritrea.

UN-Regional Organizations Partnership in Peacemaking

The Secretary-General Boutros-Ghali stated in his supplement to Agenda for peace that the mediation and peacemaking is not the monopoly of UN. Regional organizations, ad hoc coalitions, national envoys and private actors have also become involved increasingly. A comparative advantage of these various actors indicates that all can be effective depending on the circumstances. Nevertheless, unparalleled experience of UN in this field makes it an outstanding peacemaker. Distance from the conflict zone gives UN advantage of promoting itself as an impartial and neutral mediator with no ulterior motives. However, if UN collaborates with other actors its capabilities are expected to be doubled and the possibility of achieving success are enhanced. The practice of peacemaking has been characterized by “partnership” as the

last fifteen years experience testifies. The Economic Community of West African States (ECOWAS) has taken a lead in Liberia. It is amply clear that the additional presence of UN special representative and a UN observer mission had made an impression on some of the factions of Liberian politics that the third party mediation would be helpful. The track for peace enforcement is restricted but the scope for peacemaking is unlimited. The decade of 1990s exhibits the good utilization of that provision of peacemaking whether it be the case of Africa, South East Asia, Central America, South America (Haiti: OAS and UN). So there has been a joint effort or simultaneous engagement of UN and regional organizations in peacemaking for more than a decade.

The joint venture of ASEAN and the UN was attempted beneficially in the inter-state conflict of Cambodia, where four domestic warring factions were fighting over political authority and international recognition (Weiss 2001: 40-43). The case of Cambodia provides a largely successful example of UN in working with the support of the regional organizations in Southeast Asia in the process associated with the Paris peace talks for restoring peace and democracy in the country. This success was made possible as both international actors and the national actors of Cambodia were exhausted, former by the cold war politics and the latter by the prolonged conflict of twenty years. The meticulous use of diplomatic skill and the political determination of involved mediators played a decisive role in resolving the conflict. The role of core group comprising of ten ambassadors of different countries, under the chairmanship of France and Indonesia, and behind-the-scene diplomacy of Japan and Thailand in collaboration with the special representative of UN Secretary-General contributed in a big way. All the significant players including conflicting parties, regional powers and the five permanent members could reach an agreement.

However, the UN had a bad experience in the case of Croatia and Bosnia- the conflict zones of former Yugoslavia. All the factors, which facilitated the Cambodian case, were missing in former Yugoslavia or did not favor it exactly (Rudolph Jr., 2001).

Another case of UN and regional organizations partnership can be examined in the case of the Sudan. The conflict over Darfur between the African farmers and Arab Herdsmen over scarce resources has been in the news for long. Although root causes lay more deeply in Khartoum oppressive and exploitative relations with periphery of

Sudan since pre colonial period. The conflict became the matter of international concern when collaborative initiative began in Sudan. The former Secretary-General of Organization of African Unity Salim Ahmed Salim, the UN, UK, US and other international partners mediated to resolve the conflict. The purpose of the talks was to broker a comprehensive peace agreement between the government of Sudan and the main rebel movements in Darfur. On fifth May 2006, Darfur peace agreement (DPA) was signed by the Sudani government and Minni Minawi the leader of one of the factions of rebel party. However, the other leader Jem (a small Islamic organization with a national political agenda) and Abdel Wahid, who was the leader of another faction rejected the agreement. There were violent protests in Darfur against the Agreement. Fight began between the two factions. The UN Secretary-General's special representative in Sudan warned that there was a significant risk of the collapse of Darfur peace agreement as the conflicting parties viewed it as a forced agreement and it did not meet the expectations of the parties. It only supported the Sudani government. With the aim of bringing an end to the Darfur conflict African Union and United Nations peace talks were resumed at Sirte in Libiya on October 27 2007. From the beginning itself the Sirte talks were shaky as the chief rebel leaders did not appear. The negotiations could not make any progress. Finally, the mediators postponed the negotiations for an unspecified time. Thus, the Darfur peace process is yet to make a dent (Gorman 2001: 54-66).

In Central Asia where the major challenge was to find a way to intercede in Uzbekistan, the UN chose an approach based on regional institutions building with quasi-think tanks rather than engaging in bilateral negotiations. This approach has not yet succeeded. A proposal of establishing a conflict prevention center for the region of Bishkek was forwarded by the UN. However, it was opposed not only by Uzbekistan, it was also rejected by the US and Russian Federation. At the personal initiative of the UN Secretary-General himself with the heads of states the European Union and the Organization of Security and Cooperation in Europe, Peace forum and Conflict Prevention, came together. It was an unusual example of multifaceted political strategy building a global and regional coalition for preventive action as a counterweight to the influence of certain member states.

However, the UN had more success in regional approach to prevent the conflict in West Africa through regional office headed by the special representative of the Secretary-General. It was a partnership of peacemaking with Economic Community of West African States (ECOWAS). Unlike Central Asia and Central Africa this region has sub regional organizations with some legitimacy and capacity to cover the geographical limits of the region. Nigeria plays the role of a regional hegemony in this region. Nonetheless, UN has been active in this region for long to manage the conflicts but still has developed a secondary role in support of ECOWAS and former colonial powers the UK and France. It would be hard to qualify the entire programme as a complete success (Rubin and Jones, 2007: 391-408).

The relationship between global and regional levels can be examined in the light of such examples. Traditionally it is believed that a dominant UN would delegate the work to subordinate regional organizations. This conception indicates clearly that the regional institutions are just the intermediate links which perform given task to them under the global framework. If this is the case then both the levels are at the state of competition and contest. This is due to the difference in the founding principle on which each is based. The UN is based on the logic of Westphalian notion of Nation-state whereas regional organizations have derived their strength as independent actors from the post Westphalian trend of new regionalism. The European Union (EU), the association of Southeast Asian Nations (ASEAN), the Southern African Development Community (SADC) has evolved an institutionalized mechanism to manage the conflicts.

The fact that the greater “actor-ness” of regional bodies should be recognized as now the growing complexity of the relationship between the two levels cannot be expected to come down (Hettne and Soderbaum 2006: 227-236). Mutually supported efforts are expected as more effective, as long as there is clear division of responsibility and good coordination.

Thus, one can say that the debate within international relations as to the utility of international organizations beyond the powerful state that backs it with some seeing them driven by a dominant power, or hegemony, and others as a result of reasoned self-interested bargaining is still going on among scholars. One thing is clear that with the end of the cold war, international relations are no longer based on polarized

confrontation between the two super powers, giving regional organizations an opportunity to take a leading role in conflict resolution. Regional organizations have been participating in conflict resolution independently and in cooperation with United Nations as the normative expectation of international community increased and the superpower intervention in regional conflicts decreased to some extent. The UN Charter made it possible by providing “elbow-room” to different regional organizations to resolve the local disputes as the institutional forum of first instance. They can play a role of a direct negotiator, third party-mediator or arbitrator but without using any kind of force. Thus, the logical and temporal priority is given by UN to regional arrangements. When regional organizations collaborate with the United Nations then they get more acceptance and popularity, though the issues of priority, supremacy and ascendancy are not relegated to the background completely (Fawcett and Hurrell, 1995: 34). It is true that in the present scenario a global institution alone cannot manage regional conflicts without the ready support of regional actors. If the issue of partiality of regional organizations is checked by observers following the international norms then transparency can be achieved to a large extent. UN can lessen its burden and provide a better version of peace and security.

Hence, the international community will realize the full potential of UN and regional collaboration by minimizing the losses and maximizing the benefits. Convergence and divergence of collaborating at both global and regional level will be analyzed in the following chapters in detail.

Against this conceptual and operational backdrop above, the next chapter will devote attention to historical, political and other issues associated with the ethnic tensions between Albanian, Kosovors and the Serbs.

Chapter III

ISSUES IN THE KOSOVO CONFLICT

The Kosovo conflict has been viewed as one of the most significant and explosive situations of the late twentieth century. The multi-ethnic region of Kosovo has been the matter of serious international concern for a long time. The disintegration of the Federal Republic of Yugoslavia in 1991 engendered untamed escalation of ethnic conflict and violence in the constituent entities of Kosovo, leading distinctly to its inevitable fall. The persistent armed confrontation involved on the one side the Kosovar Albanian guerrillas organized into the Kosovo Liberation Army (KLA) and the Serbian special police and the Yugoslavian military on the other. If not handled effectively and promptly, the conflict in Kosovo threatened far reaching repercussions for neighbouring regions. Scholars have presented varied interpretations of the conflict focusing on one or the other reason as more significant than the other. Some scholars highlight the role of the political and territorial factors as facilitators of the conflict while others focus on the divergent and irreconcilable views of two ethnic groups as the basic cause of the conflict. All scholars, however, agree, on one point: that the Kosovo conflict had been simmering for a long time with both the ethnic communities having their own version of the story, paving way for international and regional actors to enter the scene. A few crucial questions remain: How did factors of ethnicity and culture fail to bridge the differences among the multi-national population of Kosovo? What was the role of external elements in stimulating the conflict eventually?

This chapter seeks to examine these causal issues linked to the Kosovo conflict.

Historical backdrop of the conflict

The seeds of the Kosovo conflict were sown many centuries back. Therefore, the deep historical linkages of the conflict need to be discussed here. This particular conflict has been understood as being part of the larger problem triggered by the disintegration of former Republic of Yugoslavia.⁴ For more than five hundred years, this region was

⁴ The countries that made former Yugoslavia are situated in the Balkans, an area of Southeast Europe, bordered by the Adriatic and Mediterranean Seas to the west and Aegean and Black Seas to the east.

under the control of the Ottoman and Hapsburg empires. When the power of these empires weakened in the nineteenth century, Britain, Austria-Hungary and Russia emerged as great powers with considerable influence in the region. The Balkans became the hot bed of political maneuvers and a direct cause of the First World War. After the breakup of Ottoman and Hapsburg empires at the end of First World War the new country Yugoslavia came into existence. This new country divided into six republics was populated by a mix of people from different origins (Taylor, David 2001:8-12). There were approximately 24 ethnic groups including Albanians, Serbs, Montenegrins, Croats, Macedonians, Slovenians, Bulgarians, Hungarians Romanians, and Slavs etc. These people spoke three main languages and believed in three different religions. Each republic had a majority of one or the other ethnic group. As a scholar noted, “The former Yugoslavia was a ticking time bomb that portended war and destruction” (Rezun 2001: 13). It has been suggested that the geographical location of Kosovo and its rich resources had something to do with its long drawn problems.⁵ If not directly a cause, this point of view is definitely a crucial clue to analyze the causes of the problems.

Kosovo lies just south of Serbia. The economic value of Kosovo is one of the factors responsible for making it a conflict zone between both the ethnic groups. Both considered control over it as vital for their development. Ironically though, Kosovo remained poor and underdeveloped in terms of industrialization. Rich in mineral resources, it possesses 50 per cent of Yugoslavia’s Nickel deposits, 48 per cent of zinc and lead, 47 per cent of Magnesium, 36 per cent of lignite. Apart from its ample mineral resources, Kosovo has abundant flora and fauna, including forest of wild chestnut, oak and beech, inhabited by brown bears and wild boars. However, chronic and persistent overpopulation has caused the region to suffer deprivation. Structural variables such as hostile perceptions, relations between potentially antagonistic groups, nature of the political system and the varied level of socio-economic

The Balkan region is made up of mountains interspersed with fertile plains. River Danube separates it from the rest of Europe. The Balkan Peninsula has always been an important region from many aspects. It is here that the continents of Asia and Europe meet.

⁵ Between the year 1918 and 1992 the country of Yugoslavia was known by three different names: 1918 to 1929 as the Kingdom of Serbs, Croats and Slovenians; 1929 to 1945 as Yugoslavia and 1945 to 1992 as the Socialist Federal Republic of Yugoslavia (Taylor 2008: p.4)

development prepared ground for mutual misunderstanding and clashes (Thakur and Albrecht 2000: 26).

Divergent Ethnic Claims

The continuous confrontations between the ethnic Albanians and ethnic Serbs of Kosovo had drawn the attention of the world to this region. More than 80 per cent of Kosovars are Albanians, approximately ten percent are Serbs and the rest are comprised of other ethnic minorities.

Its borders have been redrawn and revised many times to appease the ruler of the territory at a particular point of time. Many of its regions which were earlier its parts are now included in some other republic of former Yugoslavia or have been made a part of Albania (Vickers 1998: 7). A large part of its territory has been merged into Serbia, Montenegro and Macedonia due to their close proximity and adjacent borders. It had never been known as a model of ethnic harmony, but Kosovo's people, of different origins and cultures have lived in close proximity without significant terror or hostility.⁶ Differences started to become prominent after a point of time, so much so that almost each ethnic group started demanding a separate state for itself. One of the major reasons for this could be role of shrewd and ambitious politicians who rallied emotional people in name of religion, language and ethnicity.

The people of different ethnic groups, who speak different languages, follow different cultures and believe in different religions, populate Kosovo. Albanians considered themselves descendants of 'illyrians', a people who lived in Balkan before the arrival of Romans, while the Serbs considered Kosovo as the territory of old Serbia and the cradle of Serbia. Kosovo was a part of independent Serbia from 13th - 15th Centuries (Fraser 1998: 601-608). This is true also for Macedonia and Northern Greece but they were not regarded as historic lands of Serbia. Both Albanians and Serbs have their own version of story to assert that the land of Kosovo actually belongs to them and the claims of other side are baseless and illegitimate. Each ethnic group claims that Kosovo had been their 'home' for centuries. According to them the existence of their

⁶ In many cases, people even had friends in other ethnic groups, played football and drank coffee together (O'Neill, 2002 Kosovo an Unfinished Peace, Boulder Co: Lynne Rienner P: 1).

holy sites in the centre of Kosovo is sufficient evidence to substantiate it. This claim further deepens the confusion as both ethnic Albanians and Slav Serbs had migrated to this place at almost same point of time. Serb nationalists view Kosovo as the centre of late medieval Serbian Kingdom and Orthodox Church. However, Kosovo not only has the historic churches of Serb Christians, it also has great mosques of Albanians. Each ethnic group has a different legendary story and myth. The famous battle of Kosovo-Polje in 1389 is an integral part of Serbian glorious past. Significance of the battle lies in the martyrdom of great Serbian prince Lazar. He openly challenged Ottoman authority and refused to pay tribute to Ottomans. The Serbian army could not win against the huge coalition army of Ottomans and consequently Serbians remained under Ottoman rule for 500 years after this. Popular epic poetry and folk songs have also cultivated Kosovo myths. Medieval monastic writers have portrayed Prince Lazar as 'God's servant' and Serbians as 'heavenly people'. People consider the death of Prince Lazar as 'martyrdom for the faith', the military defeat as a moral victory and the Serbs as immortal defender of Christianity against Islam. The day of the war still symbolizes Serb determination, strength and struggle for the people of Serb origins (Thakur and Albrecht 2000: 22-24).

Kosovar Albanians also present significant arguments to claim Kosovo. Combining various claims with the demographic majority, Kosovar Albanians declare Kosovo as their homeland. It is their national and cultural centre, where the national movement started at a meeting of League of Prizren. Since then Albanian elites began a struggle for an independent and unified nation. It is also considered one of the reasons for differences between the two sides. Historian Noel Malcolm has emphasized on the fact that the original centre of the Serbian Kingdom was located quite close to present Kosovo (Cited in Leurdijk and Zandee 2001: 3-27). The first Serbian Monasteries were found outside Kosovo. For instance, a very well known Monastery of 'grafianica' is situated near Pristina, the current capital of the Kosovo. Miranda Vickers has presented a different opinion on this. According to her, Kosovo was made the cultural and administrative centre of Serbian Kingdom right after the fall of Constantinople in 1203. Both these scholars point out one thing very clearly that both ethnic groups have very old linkages associated with the contested territory of Kosovo and neither claims can be falsified nor validated with clinching evidence. These ancient linkages served as a glue to unify people of a particular ethnic group to lead

the national movement. Scholar Ramet Petra (1996: 1-3) has drawn attention to a very significant fact, that the differences among various ethnic groups of Kosovo are just one reality. There are differences within a single nationality as well. For instance, the Serb people are not a homogenous identity. They are comprised of Serbs of Ottoman Turks and Hapsburg origin.

Kosovar Albanians strongly feel that for decades they have been politically oppressed and economically exploited. Kosovo was the most backward region in comparison to other parts of Federal Republic of Yugoslavia, owing to low level of economic development, high illiteracy rates, patriarchal attitude towards marriage and family. Besides this, during 1948 and 1991 the Albanian population increased from 68 to 81 per cent, while the Serb proportion fell from 24 to 10 per cent (Thakur and Albrecht 2000). This gave rise to demographic marginalization of Serbs. Hence, they demanded a change of population policy so that the balance of population is not disturbed.

Internal Sources: Legacy of Injustice and Discrimination

After the Second World War, the province of Kosovo was made an autonomous and constituent part of Serbia. Tensions between the ethnic Albanians and the Government of Yugoslavia were sustained also due to political and ideological concerns, especially regarding neighboring Albania. During the Tito era of communist rule in Yugoslavia (1945-80) the ethnic Albanians and Serb population of Kosovo were strongly irreconcilable with each other as neighbors or friends. While there were occasional examples of cordial relations among different ethnic groups such as inter ethnic marriages in the same region known for its ethnic hostility, one can not deny the fact that the ethnic prejudices, stereotype and mutual distrust between ethnic Albanians and Serbs had remained the common feature of society for decades. Albanians were often made victims of repression on the basis of suspicion that they may be loyal to the Stalinist regime in Albania. At this time Islam was suppressed brutally. Muslims were forced to convert to Christianity or to migrate to other Muslim regions. Albanians and Hungarians were treated as second class citizens in comparison to Serbs and Croats.

Albanians were not given high administrative posts. Serbs and Montenegrins dominated administration, security forces and industrial employments. During the year 1969 there was a huge student's demonstration demanding better educational facilities. It made a huge impact on the Yugoslavian authority and some demands of Kosovars were paid serious attention (Rogel 2003: 167-182). Consequently, Kosovo was declared as an autonomous province that had its own administration, assembly and judiciary. The 1974 Constitution of Kosovo was the result of these movements. Kosovo and Vojvodina were Serbia's autonomous provinces for a long time. Vojvodina had a Serb majority with at least ten ethnic groups speaking five languages, making it the most heterogeneous region of the former Yugoslavia. Scholars have touched upon conditions which in general generated discontent among people; power, vacuum at the top, decline in economy, differences based on religion, existence of the tradition to fight and die for "nation", regarded widely as extremely positive and morally binding value (Rezun 2001: 14). The abrogation of Kosovo's autonomy and its replacement by absolute domination by the province's Serbian minority were followed by institutionalized discrimination against the Albanians. This was embodied in a series of legal acts, valid only in the territory of Kosovo, which deprived Kosovo Albanians of many basic human rights. They included the Act on Labour Relations under Special Circumstances, the Education Act, and the Act Restricting Real Estate Transactions. As a result, of the 170,000 Albanians employed in the public sector, 115,000 were dismissed. The Education Act virtually expelled almost half a million young Albanians from the state education system. The administrative measures were enforced by a strong police presence. Arbitrary prosecutions ensued, usually on the grounds of "suppressing terrorism" and "raids on weapons caches." Thousands of Albanians left Kosovo and sought political asylum and work in the countries of Western Europe. Violation of civil, political and human rights of the Kosovars became gradually an unchallenged common practice. Sexual crimes against women and young girls were widespread.

The violence they had suffered not only caused irreparable psychological damage but also complicated the effort to promote respect and tolerance for diversity. The Serbian authorities justified their policies by claiming that Albanians, even deprived of their previous substantial autonomy, still enjoyed abundant minority rights by international standards. The term "minority" was understood as the number of Albanians in the

overall population of Serbia. But the term itself, and the status implied by it, never satisfied the Albanians, who claimed that almost 2 million people occupying a territory with defined borders within which they comprised almost 90 per cent of the population deserved to be recognized as a nation, which would guarantee them the right of self-determination. In the year 1998 Serb authority attacked Kosovo Liberation Army and conducted ethnic cleansing of Kosovar Albanians. Most Kosovars had to take refuge in miserable refugee camps across borders of Kosovo.

Kosovo's internal conditions were ready to burst into conflict between two ethnic groups any time soon. Ethnic claims of Albanians and Serbian people became so wide that they could trigger a civil war. The ambition of achieving maximum political gains and dismissing the claims of the other group became a regular feature of Kosovar society. Impact of other republics of former Yugoslavia, which declared themselves independent made an impact over the psyche of the people of Kosovo. A Domino effect was prevalent in the air of Kosovo since the beginning of 1990s. These factors had far reaching role in turning Kosovo into a land of conflict.

The conflict of 1980s and 1990s was rooted in the violation of fundamental human rights of Kosovars by the Serb administration and police. This led to growing frustration, mobilization and political radicalization of the affected people. Albanians boycotted elections and refused to accept the legitimacy of any Yugoslavian or Serb institution. Kosovar Albanians established their own shadow-state. Italian NGO Comunita mediated between the two and temporarily resolved the problem (Thakur and Albrecht 2000: 27). However, disputes over the use of national symbol and curriculum in the schools continued (Rhode 2000: 65-79).

The turmoil in Kosovo between March and April 1981 came as a shock to the general Yugoslav public and authorities alike. It erupted in Pristina with riots in a student cafeteria and was quickly followed by waves of demonstrations sweeping through the province. The immediate reasons for the protests were bad food and the general dissatisfaction of students with their standard of living. In their fight, students were joined by workers.

After the death of the President of the socialist Yugoslavia, Josip Broz Tito, whose undisputed authority had managed to mitigate ethnic tensions during his absolutist

rule, the Yugoslav communist establishment was not yet prepared to address inter-ethnic relations in a way that would significantly depart from communist ideology. The authorities chose to describe the events as “counter-revolutionary,”- the most damning epithet in the communist vocabulary. In the mid-1980s, the Kosovo issue was still a Yugoslav problem (Taylor 2001). After the riots were crushed, the situation was considered “stable” by the federal authorities. However, by focusing solely on the ideological demands called for at the demonstrations (demands that Kosovo be given the status of a republic) as well as the means to strengthen “brotherhood and unity” in the multiethnic environment, the federal authorities failed to address the burning social issues. With the problems sidelined but not resolved, the discontent of both Serbs and Albanians remained suppressed. Indeed, the Albanian community increasingly felt discriminated against. There was, moreover, a strong current of thought that the liberties that they had acquired in the 1974 Constitution were being eroded and that the status of Albanians was gradually slipping back to that of the Rankovic era. These fears resulted in louder and more persistent demands for the preservation of autonomy and were gradually transformed into a call for independence, i.e. that Kosovo become the seventh republic of the increasingly decentralized federation.

Equally dissatisfied with the situation, although for entirely different reasons, were the Kosovo Serbs. The 1974 constitutional changes had altered ethnic representation in public services and state-owned companies in favor of the Albanians. Serbs, both in Kosovo and in Serbia proper, especially those in academic circles, had never truly reconciled themselves to the loss of the Serbian supremacy in Kosovo. The steady departure of Serbs from Kosovo provided the burgeoning Serbian nationalism with a justification: the Serbian people were under threat and time was running out.

The Serbs were of the opinion that arrangements under the 1974 Constitution had resulted in political and economic discrimination against Serbs within Yugoslavia. Serbs were denied the right and the possibility of determining their own national interests; they believed that Kosovo Albanians had greater minority rights than any other national minority in Europe but were still dissatisfied with their status and sought to secede from Serbia to create a Greater Albania, taking with them “the cradle of Serbdom” and “Serbia's sacred land”.It was felt that in order to achieve this goal,

Albanians were attempting to create an “ethnically pure Kosovo,” using institutional and non-institutional forms of pressure and discrimination against Serbs, who were fleeing en masse. The list of reasons cited for the migration included “harassment,” “violation of property and destruction of crops,” “beatings,” and even “rape on ethnic grounds.” The high birth rate of the Albanian population was seen not as the normal characteristic of a backward province, but rather a deliberate Albanian ploy to outnumber Serbs (Judah 2005: 73-84).

Meanwhile, Serb circles began to point out the abuse of human rights of Kosovo Albanians. Although criticism of the policy on political prisoners and suggestions that it be re-examined came in a very mild form, they were interpreted among the Serbian public as yet another proof that Serbia was misunderstood and was being unjustly hindered in its attempts to prevent the exodus of Serbian people from their sacred land (Knudsen and Laustsen 2006: 19-31). Anything that appeared to be pro-Albanian was immediately interpreted as being anti-Serbian. The Croatian and Slovenian leaderships were accused of aligning themselves with the “separatists” and “irredentists.”

However, the autonomous region of Kosovo could not satisfy Albanians. During the 1990s, the FRY embarked upon an ethnic cleansing campaign to purge the Albanians from Kosovo. Under Tito's leadership Kosovo was established as an integral province of the Serbian Republic within the Federal Republic of Yugoslavia (Ramet, 1996: 6-9). The Federal Republic of Yugoslavia consisted of six republics; Croatia, Slovenia, Macedonia, Serbia, Bosnia-Herzegovina, Montenegro and two autonomous provinces of Kosovo and Vojvodina. After the death of Marshal Tito the Federal Republic of Yugoslavia could not stand intact with its internal defection and fragile political arrangements. The country reverted to a collective presidency in which leadership of each federate and autonomous province rotated in succession. However, this arrangement proved unworkable, provoking separatist tendencies of the region to manifest themselves. The former Yugoslavia thus began to crumble amidst a leadership crisis and different political factions became agitated for more autonomy.

Numerous factors facilitated the disintegration of Federal Republic of Yugoslavia beginning in the year 1991. Out of the initial six republics, four broke away during the years 1991-1995, beginning with Croatia and Slovenia. The secession of Croatia,

Slovenia and Bosnia was accompanied by war. The people of Kosovo were inspired by the struggle of other republics. The birth of the Kosovo Liberation Army can be attributed to the fervor of nationalism and self determination (Bieber and Daskalovski 2003: 15-31). Following widespread unrest and disaffection of the Albanians in Kosovo, Slobodan Milosevic, the chief leader of Serbian Communist party mobilized Serbs to his support against Albanians. The autonomous status of Kosovo was abolished. Kosovar Albanians established a 'shadow, separatist government' and challenged the authority of Belgrade in 1990. Ibrahim Rugova, who was a pacifist Albanian, became the first elected President of the Kosovo shadow government.

Kosovar political elite became deeply divided. The KLA continued to fight Serb forces in the quest for independence and control over Kosovo. Serbia's war against KLA escalated between 1996 and 1998, with increasingly serious repercussions for Kosovo's civilian population (Fraser 1998: 607). Disagreements about the future of Kosovo made difficult for the West to oppose President Milosevic's campaign against KLA. The international community became increasingly involved. Numerous diplomatic missions and threats of military intervention were made to control the situation.

Rise of Milosevic and the other Proximate Causes

Outlined above were the various causes, which flamed the already simmering conflict into a full-fledged war. Leadership in such conflicts plays a critical role. This role can be constructive or destructive in nature depending on the consequences. Ideology and policy of a political leader, based on justice can help in calming down agitated masses. Therefore, the role played by Serbian leader Slobodan Milosevic is crucial to understand various hidden links of the Kosovo episode. He was one of the vital causes of the Kosovo war in the eyes of many.

Apart from leadership factor, there were many reasons, which can be labeled as proximate causes of the 1998-99 war of Kosovo. Violation of civil and political rights of Kosovars became a routine phenomenon. Ethnic enmity resulted in ethnic cleansing. Lawlessness reached new heights. The only way to survive for Kosovars was to escape from this region to some other place. The role of KLA brought the animosity to such an extent that daggers were drawn at each other. The empty

handed return of Kosovars from peace negotiations made them believe that only violence had the potential to convey their message to Serbia and rest of the international community. The next section of this chapter will focus on these issues in detail.

The pre war period from 1989 to 1998 witnessed the rise of Slobodan Milosevic as the champion of the Serb community. People viewed him as a leader, who could help masses shrug off fear and insecurity and restore the dignity of the Serbian nation. He was seen as a leader who would meet the expectations of the populist movement and remedy all injustice. Slobodan Milosevic was chairman of the Communist League of Serbia when he announced that uncertainty over Kosovo would be brought to an end. In April 1987, Serbs and Montenegrins demonstrating in Kosovo threatened to march to Belgrade and to clash with the predominantly Albanian police within Kosovo. Milosevic assured Serbian Kosovars that he would never retreat from Kosovo. He revoked the province's autonomous status in 1989 provoking wide spread resentment among Albanians (Gorman 2001: 364-371). After Milosevic rose to absolute power, in September 1987, he began to cleanse the political environment. Milosevic had two political faces. He launched a two-pronged attack, destroying his political enemies on one side while gaining as much political support as possible on the other. He was later to use this support for the war effort throughout the former Yugoslavia.

With a heavy emphasis on ideological orthodoxy and a campaign to discredit the liberals, Milosevic quickly won support among the decision makers in the army. Strengthening the state's grip on virtually all Serbian media, he kept popular attention focused on ethnic issues, further bolstering the national identity with the doctrine of homogenization. With this doctrine he won over the anticommunist Serb nationalist intelligentsia. Through a combination of press control, orchestrated mass rallies and skilful political maneuvering, Milosevic kept public opinion convinced that the Kosovo Serbs were victims of genocide by the ethnic Albanian majority population, who were attempting to drive the Serbs out of the province with rape and the desecration of Serb graves and medieval monuments. Milosevic forced out Kosovar Albanians from jobs, altered the education system completely by imposing Serbian curriculum for all. He implemented many discriminatory policies such as ban on transfer of real property from a Serbian to an Albanian. Police and court systems were

Serbian to a large extent (O'Neill 2002: 21). Additionally, Serbian state-controlled media indulged in highlighting Serb perspective and completely ignored the perspective of the other community. However, the Serbian public was already biased to this point of view. More importantly, Milosevic convinced the public that he was the man of the moment, the man who could redress injustice and deliver change, the man who could abolish the autonomy of Kosovo and Vojvodina. The "liberation" of Kosovo was proclaimed, with heavy emphasis on its Serbian character. In the ensuing conflict, many Albanian demonstrators were killed and hundreds arrested. At the same time Serbs flooded the squares of towns throughout the republic, celebrating the unification of Serbia.

The policy of repression in Kosovo was created by Serbian intellectuals with the collaboration of virtually all-important sectors of Serb society. These players paved the road for the nationalist movement. The explosion of Serbian nationalism was not created by Milosevic but merely reinforced by him. The Serbian nation, however, once it became preoccupied with its own image as exclusively a victim, was prevented from acknowledging the grievances of any other ethnic group.

From this point onwards, the Milosevic regime and the Serbian public at large regarded a policy of repression and discrimination as entirely appropriate for Kosovo. The de facto apartheid forced the ethnic Albanian community to the margins of social and economic organization, leading them gradually to establish their own parallel institutions. Milosevic was riding high on a wave of Serb nationalism. The masses greeted Milosevic with such slogans, as "Kosovo is the Serbian soul, "Kosovo, "the Serbian Holy Land", "we won't let go of Kosovo".

The Kosovo issue disappeared from the Serbian political agenda as the conflict moved westward, where the Serbs began to acquire, by the use of force, the very same rights they had denied the Albanians. The regime was attempting to obtain for Serbs outside Serbia the rights they were beginning to deny to minorities. Meanwhile, the two communities in Kosovo grew even further apart, confined within the borders of their parallel realities. For quite a while the Albanians exercised a maximum of self-restraint by refraining from responding to the oppression with any show of violence. The Serbian authorities believed that the situation, which was described as closer to

war than to peace, was sustainable. In short, both Serbia and the international community regarded the Kosovo situation as “dangerous but stable.”

Thus, Milosevic’s strategy was both nationalist and populist. He favored reduction of the autonomy of the autonomous provinces. He allowed Orthodox Church to revive and dominate. He became the star Serb nationalist overnight. For Milosevic Kosovo was ‘the cradle of Serb Nationalism’, therefore, it should not be separated from Serbia at any cost (O’Neill 2002: 21-33). He was quite successful in achieving his ambition of expelling majority of Albanians, at least in the short run. As per an analyst the idea of nationality problem in former Yugoslavia and the East European countries has not been caused by religious difference, cultural diversity or uneven economic development’. She has emphasized that the nationality question is shaped by dissimilar structures and goals of various ideologies, which have emerged in each of Yugoslavian ethnic group. This is also clear that these national ideologies are historically determined (Ramet, 1996: 9-14).

Disappointment with the Moderates and the Peace Accords

Kosovar Albanians were following a non-violent strategy to achieve their dream. This peaceful strategy was based on Ghandian principles under the leadership of Ibrahim Rugava. However, the resistance was not completely peaceful, some incidents of violent activities took place, and the emphasis was on the method of using pacific techniques.

There was widespread resentment in Serbia at the prospect of loss of Kosovo. Kosovar Albanians expected that the Kosovo problem would also be discussed in the Dayton peace settlement and their demands would be considered. Richard Holbrooke, an American delegate, who was the prime mover in the talks made clear that, “The only issue on agenda was the peaceful resolution of Bosnia. Kosovo would have to wait”. They felt completely hopeless, finding absolute indifference to the Kosovo Issue. Some Kosovar Albanians noticed that the Bosnian Serbs received a form of territorial recognition with the creation of Republika of Srpska along as did Bosnian Muslim Croatian federation through violence. A long period of passive resistance with no success disillusioned Albanian Kosovars. It gave an opportunity to the opponents of Ibrahim Rugova to criticize and humiliate him publicly, and some of his

supporters too left him and started questioning his policies and leadership. The failure of Dayton accord caused some people to think that non violence does not work and only violence would have the potential to turn the tables.

Therefore, their strategy of resistance changed drastically after the signing of Dayton peace accord. Although, the confrontation between Albanian leadership and Serbian regime had been simmering through out 1990s and had even drawn the attention of non expert observers on this matter, many western policy makers were caught unprepared. They realized that ending the plight of Kosovars was nobody's priority except the Kosovars themselves.

Thus, the Dayton Accords of 1995 ended the Bosnian conflict but left the Kosovo conflict entangled. The future status of Kosovo remained hindered in part owing to Milosevic's insistence that the status of Kosovo was non-negotiable, besides other political reasons. Another peace conference held at Rambouillet in France regarding the Kosovo situation also failed as Milosevic claimed it one sided and "dictated by the Clinton administration". He lamented that it was contrary to his country's sovereignty as it contained seeds for the secession of Kosovo from Federal Republic of Yugoslavia (Cohen 2000: 117-123). All these factors along with never ending Serb repression led to the rise of Kosovo Liberation army, with KLA attacks on Serb soldiers starting in 1996. This organization of Kosovar Albanians rebelled in 1997.

Rise of Militancy and the Role of Kosovo Liberation Army

Kosovo Liberation Army or Ushtria Clirimtare Kosove (UCK) was founded in the year 1993. It was a mix of a number of radical opposition parties settled in Switzerland. In 1996 it launched raids on Serb targets. For the first time it declared its ambition to achieve complete independence for Kosovo. In 1997 it expanded its influence and power (Leurdijk and Albrecht 2001: 8). KLA acquired funds and weapons through illegal activities and echoed its demands. KLA resisted Serbian domination through all means. Acquiring more and more weapons and depicting grievances through violence became its regular practice. The Kosovo Liberation Army soon managed to win the support of Kosovar Albanians by matching their national fervor and zeal to liberate against Serb exploitation. It managed to maintain an image of an entity which is devoted only for the cause of Kosovar Albanians. The

members of KLA underwent secret training in Albania, Iran and Pakistan. Guerrilla operations against Federal Republic of Yugoslavia police and army became common. Kosovo Liberation Army was facing a paucity of modern weaponry and money. This they managed to overcome with the supporters of their cause residing in Albania itself. Apart from receiving training from Kosovar diaspora settled in West Europe, they were getting regular funding from militant Islamic groups of the Middle East. In the year 1997 a Ponzi Pyramid financial scandal rocked Albania, which created lawlessness and disorder. People lost their meager life savings and demanded compensation from the government. Angry and frustrated people in the lack of government action, raided police and army weapons depots all over the country (O'Neill 2002: 22). This anarchic atmosphere helped Kosovar Albanians to acquire weapons and money easily. KLA gradually became an active and radical political entity against Serb authority.

External Dimensions: the Role of Foreign Powers

It is true that the internal conditions of Serbia and Kosovo were quite ripe for the eruption of the conflict any time but the external factors also played an important role. Just like Slovenia, Croatia, Macedonia and Bosnia, Kosovo too aspired for independence in the wake of the disillusionment with post-Tito Yugoslavia. Whereas other communities resorted to use of force in their bid for independence, the much smaller autonomous region of Kosovo invested in diplomacy and negotiation. Its non violent approach was not rewarded. Kosovo lost the little autonomy it had and became an integral part along with Montenegro and Serbia of greater Yugoslavia. Its predominantly Albanian population was suppressed by small Serb elite and was forced to develop its own "shadow state", including its own governing structure, school and health care system. It was continuing to expect support of the international community in its bid, against Serbian control, for full autonomy within Yugoslavia or complete separation and independence. Disappointed and agitated Kosovars after the Dayton accord rallied round the underground para military force known as Kosovo Liberation Army or KLA (Vickers 1998: 289-295).

One can not ignore the fact that the deep historical linkages in the region drew Kosovo into war and influenced the Kosovo problem for different reasons, highlighting geopolitical compulsions.

By the late 1990s, the Kosovar Albanians were convinced that the non violent techniques of fighting for truth and justice were not taking them any further. Therefore, they started supporting the Kosovo Liberation Army whole heartedly in its efforts by providing all kind of assistance possible. This boosted the strength of Kosovo Liberation Army and gave it a fresh beginning. More and more young men were admitted to the service of KLA. The determined leaders of KLA gathered the supporters of their cause not just within Kosovo but out side the country too.

This is how they could get assistance from Albania. Kosovar Albanians used their ethnic and cultural links to receive favors at this crucial juncture. Albanians supported them by providing modern weapons, training and other assistance. Germany also provided modern military weapons such as grenades, monitoring devices, etc. Apart from this Germany provided special commando and intelligence training to the members of Kosovo Liberation Army right before the commencement of war. It proved extremely beneficial for a traditional sort of army, particularly known for its guerilla war tactics.

There is no doubt that Kosovo drew the attention of world community faster than the many other conflict zones of its kind. One wonders as to the reason of this generosity towards Kosovo especially from United States of America and European Union countries. Scholars portray the direct or indirect influence of different countries on the Kosovo conflict vividly. With the decision of the United States of America to intervene, the trend of international politics changed distinctively. Active participation of NATO, EU and OSCE members drew the attention of many other countries. American President Bill Clinton said that the wholesale racial and ethnic slaughter of people will not be excused by the international community. America also committed to providing both diplomatic and military efforts. However, it was not alone in this there were other important partners as well. British Prime Minister Tony Blair was one of the chief advocates of air war in Kosovo. Kosovar Albanians viewed him as supporter of liberation of Kosovo (Rezun 2001:112). The fear of losing greatest financial stake in East Europe, urged “economic giant” Germany to be among the decision makers regarding the fate of that crucial region. Serbs hold grudges against Germans since Second World War and consider them biased. France had historic links with Serbia as Germany had with Croatia and Slovenia. According to European

Union countries it was not just saving Kosovo but it meant securing peace for all of Europe. France considered itself the cradle and the champion of human rights, and highlighted human rights aspects to rally public support. Therefore, French President Jacques Chirac reiterated the rationale behind his policy to safeguard the peace of Europe and to end the violation of human rights by the authority of Federal Republic of Yugoslavia. It is true that the American, British, German and Spanish air forces led the air war in Kosovo but the Italian base of providing facilities and man power was equally essential. Bulgaria and Romania were cautious in selecting any stand as other countries were doing. This gave the impression that the Kosovo was not purely a humanitarian intervention but it had implications for the vital interests of major powers (O'Neill 2002: 137-140).

In March 1998 United States delivered terms to Federal Republic of Yugoslavia that must be accepted to avoid allied intervention. Negotiations to terminate the war were pursued before and through out the bombing campaign. On May 28, 1998 NATO declared its Kosovo objectives. Russian representatives adamantly asserted that Russia would veto any proposal at to United Nations Security Council to authorize use of military force against Federal Republic of Yugoslavia. In October 1998 a meeting of the representatives of major allies was held at London Heathrow airport to seek a solution to Kosovo crisis. In January, 1999 NATO notified Milosevic that it was prepared to commit military force to halt Yugoslavia's ethnic cleansing in Kosovo (Scharfen 2003: 337-345). The United States, United Kingdom, Russia, France and Germany joined a contact group in Kosovo to resolve the crisis. In February 1999, an unsuccessful conference of Western allies with the representatives of Federal Republic of Yugoslavia and Albanian Kosovar was held at Rambouillet, France to resolve Kosovo crisis. On the recommendation of the UN Security Council, the Organization of Security and Cooperation in Europe sent 1,000 observers to Kosovo. A peace conference was organized at Rambouillet in France to bring the conflicting parties to the table and a draft peace agreement was prepared. However, only Kosovar Albanian delegates agreed to sign, while the Serb delegates rejected it. This gave a pretext to NATO for starting bombing on 24th March 1999. Despite NATO's bombing Serbia managed to continue their war against the KLA and civilian population in Kosovo. A substantial number of Kosovo's Albanian population fled to Montenegro, Macedonia and Albania and many became displaced within Kosovo

itself. For 78 days or around three months Serb military and paramilitary forces terrorized Albanian population in Kosovo, committed atrocities, forced them to leave their homes and fought against the KLA vigorously. The International community strongly criticized this open offensive.

On March 24th 1999 in the same year NATO launched Operation Allied Force, a 78 days air offensive against Federal Republic of Yugoslavia and its military and police. On March 25 the European Union expressed its support for NATO air operations. On 26th March Russia, India, Belarus and Namibia, floated a UN resolution calling to halt the air strikes. Finally, on 9 June 1999 a military technical agreement to cease hostility was signed by NATO and Belgrade representatives. On June 20th, Operation Allied Force was officially terminated (Gorman 2000: 367). With the support of Russia and the group of 8 industrial countries, whose mediation Serbia accepted, the conflict was brought to an end (Smith 2003: 139-144). A UN peacekeeping mission established a de facto protectorate in Kosovo. This mission was supported by a military component KFOR. Conditions were made conducive so that refugees could return safely to their homes in Kosovo. The creation and deployment of a Kosovo Stabilization Force (KFOR) and UN Interim Administration Mission were authorized by UN the Security Council Resolution 1244.

Thus, one finds that the issues in Kosovo conflict were not just historical but also quite contemporary. Balkan politics and its own geo-strategic value kept it burning forever. Internal factors along with external ones worsened conditions, so much so that resolving the conflict became a challenge for the entire international community. The atmosphere became so tense that each group became inflexible. Both parties asserted their point of view strongly. Serbs wanted to curb Kosovo under greater Serbia with limited autonomy and Kosovar Albanians demanded complete independence. Ethnic Albanians refused to settle for anything less than complete independence. Animosity between the Serb and ethnic Albanians reached an ultimate point where war became inevitable. There were two source of conflict in the Balkan region in general and in Kosovo in particular. The first is deep-seated and the other is proximate. The former stems from the combination of historical myths and old traditions, victories and defeats of the different ethnic groups over the centuries. History is not just an academic subject in Kosovo; it also provides a rationale and

justification for the present and future. National and ethnic pride is deeply ingrained in both Kosovar Serbs and Albanians. Nevertheless, the principal source of Kosovo conflict lies in the proximate causes. The passions of both Serb and Albanians can be traced back to the personal experience of the victims who have had their homes burned; family members slain; sisters, mothers and wives tortured by unconstrained people of the other community. Revenge for contemporary outrages trumps the milder passions aroused by legend and religious differences.

Chapter IV

PEACEMAKING IN KOSOVO

Collaboration of global and regional organizations for maintenance of peace and security has become a well-known feature of the late twentieth century. The practice of peacemaking by the United Nations and the three regional organizations viz. the European Union, the North Atlantic Treaty Organization and the Organization of Security and Cooperation in Europe can also be viewed as another episode of that same story. However, the case of Kosovo is not so unexceptional to be ignored easily. The partnership for peacemaking between global and regional peace organizations revealed certain aspects of international politics and the problems persisting with peacemaking. Whether this fact proved a hampering factor or helping one, will be studied in this chapter.

The question to be asked is, given that Europe is rightly regarded as a fertile field of relatively robust regional organizations, is this assumption equally relevant to its role in exhausting exercises in peacemaking? One thing is very strange in this partnership that the major players or the dominant states are common in all four organizations. The four partners played different roles in the effort of resolving the conflict. However, this doesn't mean that each played equal role. One often wonders how three regional organizations (EU, OSCE and NATO) got involved to the extent that they even undermined the authority of the United Nations? Why could the peace talks not resolve the crisis? What kind of relation did the major actors of the conflict share with each other and with the conflicting parties? How did the different peacemakers approach the unilateral declaration of independence by Kosovo on 17th February 2008? This chapter seeks to examine the process of the peacemaking headed by these actors.

Negotiations Prior To Military Intervention

The Dayton Peace Accord of 1995 was signed on 1st November to resolve the Bosnian crisis and decide the fate of Bosnia-Herzegovina and Croatia. The

negotiation were driven by US Secretary of State Warren Christopher, his special aide Richard Holbrook, and EU special representative Bildt, along with heads of fifteen European countries and the chiefs of international organizations. The full and formal agreement was signed on 14th December at Paris in France. The agreement mandated many international organizations to provide a multinational military implementation force under NATO, with UN authorization, to monitor the situation. The Dayton Peace Agreement proved to be a significant landmark in the history of the disintegration of former Yugoslavia. First and foremost, it ended the three-year-old bloody crisis of Bosnia and secondly, it brought about a turning point in the struggle of Kosovo against Serbia.

The Kosovo problem was mentioned merely once in the final treaty, as it was not considered sensitive enough to be discussed along with the issue of Bosnia by the major actors involved in the Dayton peace negotiations. The final conclusion of the Dayton Peace Accord on 21st November 1995 came as a shock to the Kosovar political class as it betrayed their expectations (Caplan 1998: 745-761). The Kosovar delegates drew the lesson that only the strategy of violence could force international attention on the problem of Kosovo. Kosovar Albanians accordingly abandoned their traditional pacific means of struggle and got involved in violent activities. The insurgency resulted probably from the interplay of various factors and coincidences, the long duration of low-intensity conflict being one of them. However, one thing was certain, that the Dayton Accord melted the ethnic relations prompted by Dayton's emphasis on improving the human rights record in Kosovo as a precondition to remove the economic sanctions (Thakur and Albrecht 2000: 44-66).

The rapidly escalating tensions brought Kosovo into the focus of the international community by late 1997. Many international organizations, national governments and special envoys made attempts to resolve the conflict but could not do much. The disturbed peace and security of Europe in particular, and the prospect of a humanitarian tragedy unfolding in the region of Kosovo, stirred the international community to create a conducive atmosphere where peace could be negotiated. The Security Council, in its Resolution 1160 Para 8, called for the peaceful settlement of the Kosovo problem, which included an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration. It also emphasized

on the commitment of all member states to the sovereignty and integrity of the Federal Republic of Yugoslavia, considering that the deterioration of the situation in Kosovo and the Federal Republic of Yugoslavia would threaten the peace and security of the entire region (UN Doc:S/RES/1198). The international Contact Group comprised of representatives of six countries – US President Bill Clinton, French President Jacques Chirac, UK Prime Minister John Major, German Chancellor Helmut Kohl and Russian Prime Minister Viktor Chernomyrdin, who were also the supervisors of the implementation of the Dayton Peace Agreement. For the first time, it discussed Kosovo as a separate issue in October 1997. The international community proposed to Belgrade to accept international mediation to resolve the conflict, including the presence of observers led by the Organization of Security and Cooperation in Europe (OSCE) in Kosovo and Vojvodina, also granting a special status to the region of Kosovo. However, Belgrade strongly rejected the international interference in its internal matter.⁷ This was followed by the imposition of an arms embargo as well as economic and diplomatic sanctions by the United Nations in March 1998 on the government of the Federal Republic of Yugoslavia. In its Resolution 1199, issued on 23rd September 1998, the Security Council called for an immediate cease-fire, complete withdrawal of military and paramilitary forces, complete access for humanitarian organizations to Kosovo, and cooperation on investigation of war crimes (UN Doc: S/RES/1998). After the NATO's ultimatum of an air strike, Milosevic met US special envoy Richard Holbrooke and agreed to implement the UN Resolution 1199 and also accepted the deployment of a Kosovo Verification Mission, led by 2,000 unarmed personnel of the OSCE. UN Resolution 1203 endorsed the Holbrooke-Milosevic agreement, which is generally believed to have been secured only as a result of NATO's threat. Again in December 1998 the cease-fire broke down and fighting broke out.

Russia's consistent reluctance to take measures as harsh as those being called for by other members was frustrating to the rest of the Contact Group, and provided part of the background for the later decision to act independently of both the UN and of Russia. The US and Britain were especially critical, seeing Russia as spoiling the

⁷ Belgrade stated that “the Kosovo problem was its internal affair and nobody else’s business.” It rejected the proposals made by the Contact Group in its Moscow declaration (Thakur and Albrecht 2000).

potential for unified and effective international action. But Russia also represented a potential negotiating bridge between the Contact Group and the FRY. Within Russia, both pan-Slavic and anti-NATO constituencies tended to support Serbia, seemingly for reasons mainly connected with Russian domestic politics. Russia had its own ethnic secessionist problems and agreed with the Serbian contention that Kosovo should be treated as an “internal” matter. Milosevic clearly regarded Russia as his only source of partial support in the Contact Group. However, this was only one side of the story. Russia was extremely ambivalent about Serbian excesses during the 1990s and about Milosevic in particular. Russia had cooperated with the West repeatedly on sanctioning Yugoslavia, and had supported UN expressions of concern and censure short of authorizations to threaten or use force. Foreign Minister Primakov seemed dedicated to improving relations with the West, rather than focusing on possible confrontations with NATO, and he was aware that Kosovo was a volatile issue that could blow up at any time. There was little disagreement between Russia and the West regarding the desired final status for Kosovo as an autonomous unit inside Yugoslavia. This combination of sympathy with and ambivalence towards the Belgrade approach gave Russia a potentially crucial negotiating role. It had Milosevic's trust, and Milosevic needed Russia, while at the same time Russia was in general agreement with Western goals (Independent International Commission on Kosovo (2000: 142-145).

In short, in the period from January to October 1998, the first formal set of political demands was presented to Milosevic until the NATO warning of air strikes was issued. Appalled by the Racak massacre and the continuous flow of refugees to neighboring countries and fearing spillover effects from Kosovo, the international Contact Group met in London on 29th January 1999 to prepare the draft agreement which could appeal to both conflicting parties to end the conflict. In October 1998 Holbrooke met Milosevic to negotiate the cease-fire so that all Kosovar refugees could return to their homes. UN Security Council's Resolutions 1199 and 1203 required Yugoslavia to allow the stationing of an international force of observers in the region of Kosovo. Milosevic signed both the agreements on 15th and 16th October 1998, respectively. It led to the establishment of a Kosovo Verification Mission comprised of 2,000 troops under the supervision of the Organization of Security and Cooperation in Europe (OSCE). Yugoslavian forces started withdrawing from Kosovo

following the agreement. The Secretary General appreciated the success of the effort in his report prepared in pursuant to Resolutions 1160, 1199 and 1203 (UN Doc. S/1998/1068). However, after a very short time, in December the same year, the cease-fire broke down and again conditions deteriorated. On 15th January, 45 Kosovar civilians were killed in the village Racak by some Serb extremists. The Security Council condemned each of these incidents as a violation of its Resolutions and relevant agreements.

Another effort in this regard was the Rambouillet and Paris Diplomatic Negotiation Conference of February and March 1999, which endeavored to seek a middle path to break the deadlock blocking the future status of Kosovo. The British Foreign Secretary Robin Cook flew to Kosovo and met KLA leaders and Milosevic, to cooperate in negotiation by accepting international mediation. UN Secretary General Kofi Annan met the NATO Secretary General at Brussels, where, in a statement, he indicated that indeed, the use of force in the Yugoslavian crisis might be necessary. He also praised the previous NATO and UN collaboration in the Bosnian crisis (Weiss et al. 2001: 98). However, neither NATO nor the UN was willing to give up the diplomatic approach completely. The North Atlantic Council also welcomed the proposal and threatened an air strike if the conflicting parties betrayed the trust of international community. Whereas, On the 1st of February 1999, the permanent council of OSCE issued a statement expressing full support for the efforts of the international community to achieve a political settlement of Kosovo issue and readiness of OSCE to facilitate the implementation of such a settlement including the post conflict reconstruction work. Basically, OSCE was linking itself more with the implementation of the peace agreement (Rees 2000: 55-70).

The Contact Group finally organized a major peace conference at Rambouillet in France, where the representatives of Federal Yugoslavia, Serbia and the Kosovar Albanians agreed to come to the table, face-to-face after long confrontation. On 6th February 1999 the negotiations started under the co-chairmanship of US representative Hubert Vedrene and UK Foreign Secretary Robin Cook, in the presence of other members of the Contact Group. The Serbian delegation was comprising of President Slobodan Milosevic along with his five notable allies and while the Ethnic Albanian Delegation comprised of 16 people representing different

minorities residing in the region of Kosovo led by Ibrahim Rugova and Adem Demaci. On table were various proposals to sides, some being more acceptable to the Albanians and others to the Serbian side. The Rambouillet discussions began with two key documents: a “non-negotiable” set of basic principles set forth by the Contact Group and a draft Interim Agreement for Peace and Self-Government in Kosovo. This proposal was based on the draft first circulated in October 1998 by Christopher Hill, who was the US Ambassador to Macedonia. While the Rambouillet Accord professed to retain the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, the succeeding 833 pages detailed virtual abnegation of control for the territory of Kosovo. Its nine chapters included a constitution for Kosovo, effectively removed Yugoslav control, and set in place numerous safeguards to make sure that Yugoslav control would not reassert while the accord stayed in effect (Rambouillet Agreement for Peace and Self-Government, Annex 3, 1999). It was a plan that would guarantee substantial autonomy, but not complete independence, to ethnic Albanians, and demanded that the Kosovo Liberation Army be demilitarized and disarmed. In its place, NATO was to create KFOR ground, air and maritime forces. Any non-NATO member could also participate in the KFOR. In an annex to the agreement it was mentioned that once the agreement was enforced, the final status of Kosovo would be revisited in three years.

Though all the major participants played their respective roles vigorously, the entire proceedings of the peace negotiations were driven by the single click of the US representative. The US not only applied its political and economic leverage, but also carried the air of military might to dominate the scene. The proposal also stated the presence of an international military to supervise the implementation of the agreement. The negotiations were presented on “take it or leave it” basis. The main proposal envisaged the political settlement of the dispute within a specified timeframe, full and immediate observance of cease-fire by both conflicting parties and the fulfillment of Former Yugoslavia’s commitments to NATO etc. The Contact Group also advocated the legitimate rights of other communities within Kosovo, rather than merely emphasizing on the issue of Kosovars within the Federal Republic of Yugoslavia (Weller 1999: 211-251).

The obstacle nonetheless was that the Albanian delegate favored a NATO-led international force in Kosovo, while Serbia was completely against this proposal at any cost. It was made explicit to both parties that refusal to comply would mean military intervention. However, the Contact Group managed to convince the Albanian delegate to sign the agreement, but the Serb delegate refused it. Although NATO and many other countries praised Kosovo for signing the agreement, others criticized the content of the agreement, saying that it was biased towards Kosovars. The agreement itself was very favorable to Kosovars, so they did not have any objection. The agreement provided for a *de facto* protectorate status to Kosovo, which was a better deal for Kosovars. However, Serbia considered the deployment of NATO troops as an infringement of their sovereignty. Therefore, the Serb delegate refused to sign the agreement.⁸ Critics viewed the entire peace process as one based on shortcuts, ignoring the central principles of successful mediation. The Rambouillet talks were suspended on 23rd February 1999 after that OSCE Chief issued a statement reiterating its readiness to play key role in implementing the Agreement. According to critics, the failure of the Rambouillet Peace Conference was caused by many reasons, as the negotiations were carried out against the backdrop of NATO's threat of an air strike (Independent International Commission on Kosovo 2000: 32-51).

Marc Weller noted (1999) that the Rambouillet negotiations represented a step further in developing the innovative mechanism to address self-determination conflicts, if not resolving them completely. He further noted that Rambouillet was a significant departure in international mediation, broadly in terms of process. The international mediators attempted to make sure of the presence of the conflicting parties beforehand by the threat of an air strike. Regarding the deteriorating security conditions OSCE head (C-I-O) Norwegian foreign minister, traveled to Belgrade to meet Milosevic and other FRY leadership. He described his meeting as a total disappointment since Milosevic refused presence of an international military in his country. Regarding the Rambouillet agreement, he said that a non-existing agreement cannot be discussed. On the other hand in the meeting with Kosovar Albanian leadership in Pristina, OSCE was a little optimistic regarding the peace. On the same day in a press statement, he

⁸ The Serbs treated the conference as lark. They drank heavily, caroused and sang late into the night (Rogel 2003: 177).

said that presence of an international military was essential for the implementation of peace agreement in FRY. Meanwhile, Kosovo remained tense, neither of the party showed any sign of cooperation. Violence and destruction continued.

As Dauphinee pointed out, the inherent ambiguity in the proposal made it difficult for the conflicting parties to render their support (Cited in Leurdijk and Albrecht 2001: 101). She suggested that the suspension of the Rambouillet proposal with the beginning of the international administration of Kosovo, gave an impression that the Western policymakers were themselves unsure of how to resolve the conflict. Certainly, it offered a window of opportunity for both the conflicting parties, but they could not work out a solution. After the breakdown of the Rambouillet Peace Conference, with both sides showing a reluctance to sign the agreement, another attempt was made by resuming the negotiations during the March 15 – 19, 1999 at Paris in France. The atmosphere was charged with the resentment against the resumption of talks. The Serbian masses rose with the message that “Kosovo was Serbia and they won’t give up an inch of it.” Amidst such domestic pressure, Milosevic again declined to sign the agreement and wiped out the last remaining hope associated with the Paris Conference. Only the Kosovar Albanian delegation agreed to the proposal, as had happened in the Rambouillet negotiations. During the Paris peace conference violence increased in Kosovo and the OSCE Chairman-In-Office, Norwegian Foreign Minister Knut Vollebek instructed Kosovo Verification Mission head to evacuate from Kosovo. OSCE ambassador William Walker, the head of KVM told the media while evacuating from Kosovo on 20 March that our leaving should not be interpreted by conflicting parties as if no eyes and ears are vigilant of the situation in Federal Republic of Yugoslavia.

OSCE Chairman-in-office telephoned Milosevic on 24 March and urged to seize the opportunity for finding the peaceful solution of the conflict. However, Milosevic showed no sign of stepping down. On 26th March Chairman-in-Office of OSCE called a meeting of OSCE members and decided to reduce the number of KVM troops from approximately 1400 to a core group of 250 persons. The Rambouillet talks were not as straight forward as they appeared. However, the peace proposal during the Rambouillet was presented as a balanced and neutral one, it was not the case actually. The Albanian delegation made a condition to accept the agreement if the language

indicating the final solution based on the 'will of people' of Kosovo is added to the text. The international negotiators without much debate accepted this condition. However, one finds that the same negotiators had not softened their approach at all while dealing with the Serb delegations. They completely ignored the use of carrots and kept holding sticks in their hands.

The Role of international mediators practiced jointly by the UN and the three regional organizations (EU, NATO and OSCE) needs to be examined here. The terms of negotiations were drafted with a set objective in mind by the international contact group. Chief players of each entity were included in the discussion except the head of OSCE. Since no agreement could be signed between the Kosovar and Serb, the role of OSCE was reduced to some extent until the air strikes continued. The OSCE attempted to establish direct contact with both conflicting parties before the final break down of the Paris Talks. There were four international actors engaged in resolving the conflict over Kosovo; EU negotiator Wolfgang, US Secretary Madeleine Albright British Foreign Secretary Robin Cook, French President Jacques Chirac and Russian negotiator Boris Mayerosky controlled the direction of the events unfolding in FRY regarding the peace process. The Russian negotiator complicated the situation by refusing to participate in the discussion about military presence of NATO in FRY, but did not stop to incorporate the clause in the text of the peace agreement. One finds that the negotiators possessed all necessary things to make peace- both materialistic and non-materialistic assets-except clear determination. Failure on the part of the major parties at the Paris Conference gave NATO the golden opportunity to prove the potential of its empty, considered warnings to Milosevic.

Finally, on 24th March 1999, NATO began an air campaign against Belgrade, which lasted for eleven weeks. Milosevic did not step down after a few strikes as NATO and other countries had expected. The head of OSCE called a ministerial meeting of Troika and decided to reduce the number of KVM personnel from 1400 to 250 only. In fact, Europe witnessed the greatest ethnic cleansing on its land since the Second World War. Bombing further worsened the situation. Under the mediation of Russia and Finnish President Martti Ahtisaari, Milosevic finally decided to accept agreement offered to him.

NATO Strikes and Implications

The impact of air strikes on the process of peacemaking was quite obvious, as NATO was one of the peacemakers. In the attempt of proving the vitality of NATO in managing post-Cold War ethnic conflicts, it even discounted the legitimacy and authority of the United Nations. The Secretary General of NATO, Solana Javier, writing about the mission, termed it “NATO’s success” and rejected all blame by using the jargon of humanitarian intervention. According to him, the plan to use military force against Milosevic did not come out of blue, but it was a step taken after exhausting all possible diplomatic means (Solana 1999: 45). It was a difficult decision for NATO, allies found it essential for the security of Europe. Therefore, it became worth taking risk and proved successful.

The UN Charter forbids a member country to use or threaten to use force against another member (except when sanctions under Chapter VII of the Charter). Yet another affront to the safeguards under Article 2.7 of the UN Charter, protects the sovereignty of the state in the matter within the domestic jurisdiction of the state. It also violated the Article 52.1, which prohibits a regional arrangement from the use of force without deriving the mandate from the UN.

NATO’s action of using force on its own judgment to prevent ethnic cleansing without the authorization of the Security Council was a clear violation of UN principles (Luer 2000: 9-14). It has been interpreted differently by academia and also by analysts of international politics. NATO’s military action against Yugoslavia had raised many questions regarding the legitimacy of waging war on a sovereign state, the principles of international relations and the credibility of the United Nations (Kober 2000: 107). According to US President Bill Clinton, the real goal of NATO’s air strike against Yugoslavia was “to end Europe’s last dictatorship and bring democracy to Serbia.” However, Yugoslavia dubbed the NATO’s intervention as violation of its integral sovereignty and international law. It strongly rejected the claim that it was only for the humanitarian concern and side geopolitical and strategic gains. However, the practice of military intervention is not new to the world. In fact, it has become a popular tool in the hands of strong country to use against barbarous country and to teach them civilization (Borgen 2009: 1-9). Usually the ambition

behind these intervention provide them pretext such as political background and strategic interest.

Opting for the diplomatic solution of the Kosovo conflict did not suit the NATO's design of action. Favoring diplomacy over military option would have wiped out the opportunity to rekindle NATO's role as a security alliance even in the post-Cold War era. It might have brightened the role of the United Nations as a truly global organization, mediating in the serious regional conflict successfully. Thus, it could have strengthened the image of the UN and would have added to its legitimacy and authority to be the custodian of international peace and security. It would have brought back the international law again as the guardian of weak. However, the NATO was also apprehensive about the growing influence of Russian Federation if it had not intervened alone to resolve the conflict (Hedges 1999: 24-48).

On the other hand, Critics (Shanker 1999: 72-81) counted the military intervention as the greatest blunder of NATO and highlighted that the intervention did not avert the humanitarian catastrophe, and the air campaign harmed the civilians by destroying important civil property and public structures (Kritsioti 2000: 330-359). NATO did not provide any ground force which could save people from the open massacre of Albanians on ground. The Milosevic regime involved police, military, paramilitary units to launch a horrific campaign of terror, killing and ethnic cleansing in the region of Kosovo. Death and destruction was doubled as both Milosevic and NATO adopted the method potential of causing maximum devastation possible. The irony of the role of NATO lies in the fact that it rushed to save those very people whom it bombed for 78 days continuously, no matter, intentionally, or unintentionally (Howe 2002: 41-54). It justified that both the steps were taken to preserve the humanitarian and moral values cherished by the civilized community. Critics had even compared the NATO's intervention to the Hitler's intervention in Czechoslovakia on the basis of the similar justification given by the two (Kober 2000: 108). This value driven power politics had always been the factor indulging the world into never ending power game and led the re-division of the world. One needs to fit the role played by NATO during the Kosovo conflict in a security architecture of post cold war era. US, Germany and UK were concerned regarding the sinking relevance of NATO the security alliance of cold war established to contain the influence of erstwhile USSR. One agrees with Thakur and

Albrecht (2000:) that the maintenance of peace and security in the twenty first century to a large extent depends on respecting the international rules and laws passed by the UN members based on sovereignty and equality. According to Vang Yizhou (cited in Thakur and Albrecht 2000) this new interventionism of post cold war era based on power would encourage new arms race and usher the world into a grave darkness. It diminished the credibility of United Nations and reduced it to a mere figure head. The United States and its allies would expand the role of NATO by globalizing it gradually. The basic principles of international relations will be changed to suit the interest of major powers. Another scholar Hu Shicun highlighted “ten major influences of Kosovo war”, particularly possibly the increase in the US hegemony and the confrontational relationship among the major powers. Danger of more high-tech war would hover the skies of world peace. Speculating upon the Chinese apprehensions, he noted that NATO’s action would contribute to a more complex and insecure global and regional environment (Shicun 1999: 11-13). It is not the view of Chinese scholars alone but many others shared such view with them.

Peace Restoration and Interim Governance

The relationship between Russia and NATO was quite ambiguous. Neither did it want to offend the West nor Belgrade. Therefore, till last moment it kept Milosevic in impression that it would rush for its assistance. Except blocking the UN Security Council, it could not do much. However, crucial role of Russian envoy Chernomyrdin in mediating peace negotiations to end the crisis, cannot be overlooked (O’Neill 2002: 140-147). The case of Kosovo made it evident that if it is the question of UK, France, and Germany then they are the masters of their own will. However, it is not mandatory as mentioned in the UN Charter. Another apprehension revolves around the selection of significant groups on an ad hoc basis, who are often vested with power of making crucial decision, seems faulty and again undemocratic in all aspects. The composition of contact group during Kosovo conflict was one of such examples. Therefore, the Kosovo episode has been viewed as a step forward in the long term process of domestication and marginalization of UN (Van ham and Sergei 2002:1)

Russian special envoy Viktor Chernomyrdin, together with US Vice-President Al Gore and Deputy Secretary of State Strobe Talbot, who was quite fluent in Russian, prepared the way for setting the final peace process. In the meanwhile, a neutral

international mediator, Martti Ahtisaari, was chosen to help deal with the Serbs.⁹ The EU envoy Ahtisaari and Russian envoy Chernomyrdin brought a proposal to Belgrade that was comprised of ten principles prepared under G-8 direction. It was not a detailed roadmap, but specific guidelines hinting at how to manage the province.

The most important of the peace principles called for an immediate and verifiable end to the repression and violence in Kosovo; the withdrawal of FRY military, police, and paramilitary forces; the deployment of effective international, civil and security presence in Kosovo; and international forces to work under the UN auspices, which would act according to Chapter VII of the UN Charter. It called for the safe return of all refugees to their respective places. It mentioned the establishment of an interim administration as part of civil presence, under which people of Kosovo would enjoy substantial autonomy within the Federal Republic of Yugoslavia (UN Doc: S/RES/1244 Annex 1 1999). While the plan did not mention any timeline or mechanism for resolving Kosovo's long-term status which was included in the agreement, on 1st June 1999, the Yugoslav government advised the government of Germany that it would accept the G-8 principles. On 3rd June, the Serb Parliament formally approved a peace plan based on the G-8 principles. After delays caused by difficulties working out a technical agreement, NATO suspended its air attacks on 10th June. On the same day, after confirming that FRY forces were withdrawing pursuant to the peace plan, the United Nations Security Council passed Resolution 1244, which approved and elaborated upon the Ahtisaari-Chernomyrdin agreement.

Acting under Chapter VII of the UN Charter, the Security Council decided that full international governance, including civil and security forces, would be deployed in Kosovo. The civil component was to be headed by the special envoy of the Secretary General (SRSG) whereas the security force would work under NATO. The details of governing post-war Kosovo are found in the important documents of Ahtisaari/Chernomyrdin/FRY agreement and the Resolution 1244 and the reports of the Secretary General in pursuant to that Resolution. Following the Resolution 1244 issued by the United Nations Security Council, a military-technical agreement was

⁹ Marti Ahtisaari was awarded the Nobel Peace Prize in 2008 for his outstanding contribution as an international mediator, who served as a diplomat in four different continents. His achievements range from ending apartheid in South Africa's control over Namibia and steering the country to independence in the 1990s.

signed between NATO and the Federal Republic of Yugoslavia, on 12th June 1999. It implied that FRY had transferred legislative and executive powers of Kosovo, including administration of the judiciary, to the United Nations Mission in Kosovo (UNMIK). The highest international official, the special representative of the Secretary General, was entitled to perform the executive duties of the government during the transitional period of the province. He could legislate laws to suit the purpose of the mandate (UN Doc: S/RES/1244/1999). He was to supervise four components of the mission, each of which was controlled by a different international entity – civilian administration by the UN, humanitarian affairs by the UN High Commissioner for Refugees, institution building by the OSCE, and the work of reconstruction by the European Union. The SRSB had power to appoint or remove any official of the UNMIK. Uncertainties also surrounded the distribution of eventual authority among the UN and emerging institutions of Kosovo's self government. Resolution 1244 empowered the special representative of the Secretary General to oversee the development of provisional democratic self-government institutions, pending a political settlement. The UN and UNMIK followed the internationally recognized standards of human rights as the basis of their authority in Kosovo.

Milosevic remained in power, however, as an indicted war criminal. However, the intervention failed to achieve its stated aim of preventing massive ethnic cleansing. More than a million Kosovar Albanians became refugees; around 10,000 lost their lives; many were wounded, raped or assaulted in other ways. There was widespread destruction. The Kosovar Albanian population had to endure tremendous suffering before finally achieving their freedom. Even the presence of the KFOR could not create a secure environment for the Kosovars, as incidents of torture, death and robbery took place. Russia and Serbia had accused it of not providing security to Kosovar Serbs.

One wonders what led Milosevic to agree to end the conflict after the 78-day-long confrontation. The final agreement did contain some gains from the FRY point of view, as well including that the UN rather than NATO would take over Kosovo, and unlike in the Rambouillet proposal, international troops would not have access to Yugoslavian territory outside of Kosovo. Kosovo would still formally be a part of the FRY, and Russian troops would participate in the international force in Kosovo

(O'Neill 2002: 37-43). Thus, one cannot deny the diplomacy of Martti Ahtisaari and Chernomyrdin had played a significant role in creating conducive conditions for peace implementation.

The case of Kosovo witnessed a collaborative effort for making peace in the economically shattered, politically chaotic, financially bankrupt territory, where lawlessness and instability almost became inherent in the system for long. The Resolution 1244 of Security Council issued on June 10 1999, outlined the broad framework for rebuilding the province. The entire work of peacemaking was divided among four pillars and each organization headed one particular sphere. The UN headed the civil and administration; the UNHCR headed the humanitarian affairs; economic reconstruction headed by the EU and the democratic institution building was headed by the OSCE. The civil administration included health, education, energy, public utilities, post and telecommunications, judicial, legal, public finance, trade, science, agriculture, environment and democratization. Over 800,000 people had to be repatriated. Over 120,000 houses had been damaged, schools needed to be reestablished; food, medical aid and other humanitarian assistance needed to be provided. Restoration of electricity, sanitation and clean water was became the first priority. Land mines were to be cleared, security had to be ensured. Thus, the scope for each pillar was staggering (Yannis 2004: 67-75). The initial mandate for UNMIK was for 12 months, but the necessity to rebuild almost everything along with the complications urged extension of the mission.

In short, the international administration of the Kosovo aimed at two fundamental functions firstly to fill the political vacuum left after the conflict. Secondly, it targeted to reform the local administrative structures in order to remove the problem that led to the establishment of an international administration in the first place. This is typically understood to imply the furtherance of democracy and good governance through various institution-building activities. Unlike Bosnia the international administration of Kosovo did not supervise governing bodies but the people directly. It also did not have a prescribed end point as in the case of East Timor. It was an occupation most probably clearly resulting from forcible coercion of authorities (Bieber and Daskalovski 2003: 82-108).

The purpose of international administration was to replace the Yugoslav authority in the territory of Kosovo and assume full interim administrative responsibility. The central focus of UNMIK included establishing a functioning interim administration (maintenance of law and order); promoting self-government and substantial autonomy (holding of elections); facilitating the conditions for the negotiations to determine final political status of Kosovo. The task of KFOR was to create a secure environment to realize these goals. In terms of scope and ambitions, the UNMIK's mandate was unprecedented by the standards of UN field operations. It was not only empowered to assume full interim administration responsibility but also enjoyed a central political role in settling the conflicts. The challenges it faced were also linked to its exceptional character.

Establishing an international administration was itself a novel both conceptually and operationally. It raised questions about the source of legitimacy, meaning and functions of sovereignty in extremely peculiar political conditions (Patomaki 2002). There were ambiguities regarding some of its central responsibilities such as establishing substantial autonomy and self governance etc. Uncertainty of the duration of mission was another ambiguity. Political challenges embedded within the Resolution 1244 made it a peculiar case by bestowing enormous power and responsibility to a peace-building mission. It raises complex conceptual and operational challenges. Yet the powers of the international administration in Kosovo are widely considered far beyond the traditional peace operation and comparable to the extensive mandate and international protectorate. However, it did not fit any of the two models perfectly. Its source of legitimacy and political status are new for the international system. These were based on the exclusive interpretation of the Resolution 1244 and peace enforcement powers of UN mentioned under chapter VII of the UN Charter. However, one finds that the Kosovo conflict is still far from over as the underlying conflict between the Yugoslavian sovereignty and Kosovo's demand for independence had not been settled in true sense (Weiss et al. 2001: 99-103).

Thus, one finds that the international response was formulated by a dozen or more key states, each with its own perceptions of national interest, its own particular set of domestic constraints and forces, including different perspectives of political and

military leadership, and its own analysis of the past and possible future in the Balkans. In addition, these states were collaborating to reach joint policies simultaneously in several distinctly different groupings, including the UN, NATO, the OSCE and the EU. The logical result was a lack of consistency in the diplomatic response. Kosovo presented a case of continuous and challenging peacemaking. However, the final political status of Kosovo remained inconclusive to a large extent, the process of peacemaking which started in mid continued until 2008 with some changes. Kosovo declared itself independent unilaterally in February 2008 and captured its scattered authority in its own hands accepting the framework prepared by the SRSG Martti Ahtisaari.

The examination of the role played by different international actors as a contributor to the peacemaking of the Kosovo reveals how each worked as a constructive branch. The US and the European major players were concerned that an independent Kosovo would trigger a domino impact in the region that would danger the peace and security of the Europe. Moreover, many states speculated that an independent Kosovo will destabilize especially the neighboring Macedonia where the Albanian minority, constituting at least a quarter of the population, was also unhappy with its status and might be drawn to joining a Kosovar state. Another fear was regarding the chance of Kosovo's decision of seeking to unite with Albania. Finally there was the concern, more generally, that an independent Kosovo will serve as a positive example for the numerous self-determination movements bent on separation elsewhere in Europe (Fawn 2008: 269-294). Therefore, international community had made it very clear that it would not support an independent Kosovo as it would not support secession and a redrawing of international borders (Caplan 1998: 751). Milosevic and the international community had a common interest, therefore, in defeating the forces of militant separatism in Kosovo, although they disagreed about the means to be employed and the framework of a possible solution. Yet as a result of these shared interests, the major powers have been reluctant to pursue measures that would weaken Belgrade's hold on Kosovo altogether. the Contact Group was no longer insisting on the withdrawal of Belgrade's special forces from the province but was instead demanding, more modestly, a halt to Belgrade's attacks against the civilian population there (Independent International Commission on Kosovo Report 2000: 84-95). After 2000 the political status of Kosovo became an open ended protectorate and interim

solution as the conflicting parties were emotionally charged and difficult to pacify. Therefore, the final status of Kosovo was not discussed as both Serbs and Albanians had their own version of expectations and explanations regarding the current situation and the eventual status.

Final Solution and Aftermath

The Contact Group held the view that 'neither they support the independence nor they support status quo'. They proposed an enhanced status for Kosovo within the Federal Republic of Yugoslavia itself and favored that the human rights of the Albanian people should not be violated. Yugoslavia should meet the humanitarian standard accepted by the OSCE and UN Charter. The issue of political solution for the future of Kosovo within Yugoslavia kept international community entangled as Kosovars showed their disapproval to such an arrangement. The outbreak of ethnic violence in 2004 made clear to UN that things were not going exactly in the right direction. The report of Ambassador Eide submitted to Secretary General Kofi Annan in 2005, stated that the international community was unprepared to handle sudden riot in timely and effective manner. The Secretary General Kofi Annan concluded that the negotiations on the future status of Kosovo should be arranged. He did not use the word 'final' and emphasized that it would be a next step in Kosovo's settlement.

The role of EU, NATO and OSCE along with UN witnessed a tug of war as neither of the partner explicitly accepted the full independence of Kosovo as a final status. Washington and its five partners of contact group including Russia, Italy, UK, France and Germany did not have a serious discussion on the status for Kosovo. Holbrooke had no time for it. UK pushed UN Secretary-General to launch a loose plan. Secretary-General Annan appointed Norway's ambassador to NATO, Kai Aide, to examine the level of progress Kosovo had made so far to achieve the final status. The appointment of Maarti Ahtisaari was in response to the Ambassador Aide's report. The role of special envoy Ahtisaari was of an honest broker between the two conflicting parties. Ahtisaari's efforts were heading nowhere as EU and NATO made clear that they do not support an independent Kosovo. In 2007 Ahtisaari reported to new Secretary-General Ban Ki-Moon that the negotiations potential to produce any mutually agreeable outcome on final status of Kosovo were exhausted. Therefore, the independence was inevitable. Washington, London, Brussels and other concerned

capitals in this matter immediately embraced the plan with fake apprehensions (Szamuely 2008).

Since 2005 the special envoy of the Secretary General Ahtisaari attempted to seek an accommodation between Serbian demand for continuation of Kosovo's autonomy within Serbia and the Kosovars demand for independence. Despite expensive consultations he reported in March 2007 that both parties had reaffirmed their categorically diametrically opposing positions. He argued that alternatives to independence were not viable and reintegration into Serbia was unacceptable. Kosovars were not ready to budge from their position. Partly due to the brutalities and expulsion suffered in 1999 but also the eight years of international administration had created some kind of unstoppable resistance to the return of Serbian rule. The continuation of international administration would retard emergence of genuine democratic institutions in Kosovo just as prolonged the uncertainty discourages foreign investments, reintegration into European Union and other development initiatives.

Ahtisaari's solution was supervised independence, a plan endorsed by Secretary General Kofi Annan as well. While the settlement would not include a full constitution for Kosovo as happened for Bosnia at Dayton. Ahtisaari's plan contained a long list of the items emphasizing on what the constitution of Kosovo must provide. These points were formulated mostly to cater the Kosovo's multi ethnic character. Such as it must state that the Kosovo is a multi ethnic society based on equality of all its citizens, prohibit a official religion, provide that the Serbian and Albanian both will be the official languages, declaring that Kosovo will not have any claim on neighboring states and guarantee that non majority community will be representatives in the assembly through reservations, full international governance will be in place until the institutions of Kosovo are capable of assuming the responsibility for the security of Kosovo(Appendix i).

However, there was a need for another Resolution to recognize the independence of Kosovo because it was under the UN governance by Resolution 1244. UN was stuck as neither could it choose to deny the human rights to Kosovars nor it could violate the territorial sovereignty of FRY, therefore it could not support Kosovo's secession from FRY. Therefore, the challenges for the peace architect remained the same as in

the beginning of the mission (Weller 2009: 121-134). Such an arrangement could not stay forever. Ahtisaari stated that Kosovo was a unique case and demanded a unique solution. It would not create precedent for other unresolved conflicts. By unanimously acting in passing Resolution 1244 UNSC denied Milosevic the governance of Kosovo and placed Kosovo under temporary administration of UN and envisaged a political process to determine the future status of Kosovo (Fox 2008: 84-97). Combination of these factors made the case of Kosovo somewhat extraordinary.

This triggered different debates and reactions across the world. The four largest nations of European Union seemed ready to recognize the born state the other six member states including Cyprus, Romania, Slovakia, Bulgaria Spain and Greece refused to recognize it. However, reaching a solution on the exact wording seemed difficult; with several members, fearing separation could fuel separatist movement in their own countries. It was incumbent upon the Albanian majority to guarantee and protect the rights and identity of the Serb minority.

Finally, on February 17 2008 Kosovo declared itself independent from Serbia unilaterally. Prime Minister Hashim Thaci announced in the parliament. "Kosovo will be a society that respect human dignity and is committed to confronting the painful legacy of recent past, in a spirit of reconciliation and forgiveness". Observing that Kosovo is a special case arising from the non-consensual breakup of former Yugoslavia and is not a precedent for other situation, 109 deputies present in the session in the capital Pristina, voted in favor with a show of hands. Eleven deputies of ethnic minorities, including Serbs were absent. Belgrade bitterly opposed the secession backed by Russia, Serbs vowed never to give up the territory, which linked them to 1000 year old historical and cultural ties. The West supported the demand of two million ethnic Albanians for their own state (New York times 17 February 2008) Kosovo became the sixth carved out country from Serbian dominated Yugoslavian Federation since 1991, after Slovenia, Croatia, Macedonia, Bosnia and Montenegro. Serbs in the north rejected independence, cementing an ethnic partition that will would way on new state for years to come. Approximately half of Kosovo's 120,000 remaining Serbs reside in north, while the rest are scattered enclaves, protected by NATO peacekeepers. The US and most European Union member states recognized,

despite failing to win United Nations Security Council's approval blocked by Russian Federation.

Thus, Ahtisaari plan helped Kosovars in drafting peace plan and the constitution of independent Kosovo. However, he was staunchly criticized in Serbia as the architect of Kosovo's secession from Serbia.

One finds that the declaration of independence does not mean that all of the Kosovo's problems were solved. The new state still remains very fragile and it has many internal and external challenges to deal with. Besides economical and social challenges, the recognition by other states is also of crucial importance for the new state. Until now only 66 states have recognized the state of Kosovo, which is not a sufficient number (Rapej 2010).

Chapter V

CONCLUSION

The new international environment is characterized by vulnerability to conflicts. Various approaches to control the adverse effects of violence have been in vogue. They include peacemaking which has to be contrasted from other approaches like peacekeeping, peace building and peace enforcement although admittedly there are inter-linkages among them all. The approach of peacemaking through techniques of mediation and negotiations has emerged a cost effective – although it tests one's patience – to address the sources of conflicts. This emphasizes diplomatic and political strategies and is relatively more popular among the disputants, compared to other techniques like arbitration and adjudication. The mediation technique is so adaptable that it is no longer considered a narrow approach just confined to solve conflicts between the states but also extended to intra-state, ethnic and global environmental conflicts.

A scrutiny of the experiences and achievements in peacemaking attributed to various actors like the UN, regional organizations, and ad hoc groups of reveals that the UN is the most experienced in the field with a better track record of trustworthiness and impartiality. The discourse on the conceptual and operative aspects of mediation – either by individuals or institutions – both glorify the core qualities of integrity and impartiality, while at the same time questions have been raised whether on certain issues mediation should eschew embrace impartiality at the expense of exercising effective influence on the attitudes and actions of the conflicting sides.

This study has established the approach of peacemaking as a long process with unlimited scope which may yield both negative and positive interpretations. Negative interpretation indicates its over-stretched engagement in scores of protracted problems such as that of Jammu and Kashmir (between India and Pakistan) or Palestine in Middle East. The positive connotation points to the preference so as to ensure durability of the agreed outcomes. This study has explored various examples of the working of mediation as a dynamic and flexible approach with adaptability as its key

to success. The study has found that the various attempts at peacemaking fail due to the divergent assumptions, expectations and goals of conflicting parties from the process, as it happened in Sudan, etc. The peace negotiations could not win the trust of the conflicting parties. Acceptability of the mediator by the conflicting parties is also an essential condition for successful mediation.

This study was aimed to examine the validity of the hypothesis that UN has remained in the forefront of peacemaking while partnering with regional organizations. The developments leading to the Independence of Kosovo is a result of various dynamics at work – including the role played by the UN as also by other actors like the Contact Group, the European Union, the Organization of Security and Cooperation in Europe (OSCE), and NATO.

Kosovo is typical of the intrastate conflicts with both historically deep seated and contemporary factors explaining the complexity of reasons and ramifications. Should the Serbs or the Albanians have exclusive claims on the territory of Kosovo as its legitimate inhabitants? Is the process of disintegration of former Yugoslavia begun in 1991 inapplicable to Kosovo's? Should the principle of inviolability of sovereignty have priority over the right to self-determination and protection of human rights? Is the Kosovo conflict a product of indigenous omissions and commissions or foreign interference? A causal story of Kosovo conflict has to revolve around such fundamental issues. International mediation reached Kosovo quite late, in the sense that the world community did not get a feel of the seriousness of the situation until well after the 1995 Dayton Accord on the Bosnia conflict and large scale violence erupted in 1997.

The international contact group comprising five major States (France, Germany, Russian Federation, the United Kingdom, and the United States) with vital political and strategic interest in the area. This group had problems of disharmony among them; yet it is undeniable that they played prominent role prior to the military intervention by NATO in 1999 against Serbia. Russia proved to be a tough team mate in the effort to persuade Slobodan Milosevic to make major concessions to Albanian Kosovo's. Nevertheless, the Contact Group was a motivating force behind the ill-fated talks at Rambouillet (France) in 1999. Besides, the European Union had engaged the services of Martti Ahtisaari as a mediator to the conflict. The OSCE

through Norway as the country chairing the group offered all help keeping up the momentum and preparing to implement an accord signed by the parties. Besides, the United States had deployed some of its ace negotiators like Richard Holbrooke in the peacemaking efforts, just as the former Russian statesman Victor Chernomyrdin served as the Russian envoy. The role of Secretary-General as peacemaker has been limited in this case largely because of the full involvement of the major powers. However, the significant role played by the special envoy of the UN Secretary-General after 2004 cannot be ignored.

The partnership among four different actors shows that the principle 'the more the merrier' does not hold true in the practice of international politics. Thus, the legacy of the partnership in peacemaking by the UN and regional organizations states that the notion of sovereignty has not remained sacrosanct as established by the treaty of Westphalia. The Recent experience of UN and regional organizations collaboration has created a paradox showing that the functions of Chapter VIII which were intended to assist Chapter VI peaceful settlement objectives have turned towards chapter VII, enforcement goals, especially as the United States and its allies considered peace in former Yugoslavia was to be established at any cost, if peacemaking route was not producing quick and desired outcomes.

As the discussion in the dissertation would detail, the multilateral process of finding a peaceful settlement of the Kosovo problem had hit many roadblocks. The most prominent challenge came from the air strikes launched in 1999 by NATO against Serbia for its refusal to ensure protection of Kosovo's and agree to the Rambouillet proposals for an honourable solution to the problem. That the United Nations occupied a secondary place in this pre-intervention peacemaking phase yielding the initiative to the International Contact Group is perhaps less palatable compared to the humiliation suffered in the hands of NATO's unilateral military action on humanitarian grounds without prior permission for use of military force. The dilemma of the UN was reflective of the deep divisions within the international community over the legality and legitimacy of the US-led "humanitarian intervention".

Ironically the larger interests of peacemaking seem to have been served in the aftermath of the military intervention. The broken pieces were put together in the form of post-conflict peace building in Kosovo – this time with the agreement of

defeated Serbia – under the auspices of the United Nations. The Security Council adopted a resolution (Resolution 1244) on the terms negotiated by the envoys of the European Union and the Russian Federation with Serbia to take over Kosovo pending a solution that respected the territorial integrity of Federal Republic of Yugoslavia (Serbia). Remarkably the institution of the UN Mission in Kosovo, which was mandated to provide transitional governance to the people of Kosovo by virtually cutting it off from the control of Belgrade, epitomized the formal and informal partnership of the UN with the European Union, the OSCE and also the NATO.

While the partnership between the UN and regional organizations gained from the post-war peace building, on ground the prospects for a solution for an autonomous Kosovo within the framework of the Serb Republic faded in the aftermath of the military strikes. The Kosovo's aspirations refused to acquiesce with anything less than complete independence. Perhaps the Albanian Kosovo's were emboldened by the defeat of their adversary in the hands of their sympathizers! However, the unrelenting demand of the Kosovo's for Independence exposed differences within the European group, between Russia and other members of the International Contact Group. With the result, a void was created in the arena of peacemaking by partnership at a time when violence threatened to resume in Kosovo. Under the circumstances, the burden seemed to have fallen on the United Nations which took away Martti Ahtisaari from the European Union to appoint him as the UN envoy for Kosovo.

The UN envoy exhausted all possibilities for a political settlement to the Kosovo problem within the framework of Serbian Federation, but failed to make any dent into the unbridgeable positions of both parties. If Serbia was to blame for its intransigence in the peacemaking phase prior to the military intervention in 1999, the Kosovo's were proved to be more uncompromising in the exhausting and unproductive negotiations held by Ahtisaari from 2005 onwards. Hence the UN envoy proposed independence to Kosovo – with territorial and human rights guarantees to the neighbours. With Serbia totally opposed to independence of Kosovo, Kosovo declared their Independence unilaterally on 17th February, 2008, presumably seeking inspiration from the UN suggestions for a final settlement. A final word is yet to be uttered on the appropriateness of the declaration of unilateral independence.

But the implications for the peacemaking role of the United Nations must be noted. No doubt, the experience of the UN in peacemaking in Kosovo is far from a happy one, in spite of occasional, if not fitful cooperation received from the regional organizations and other actors. None of the European regional organizations, as the evidence seems to suggest, had the capacity to demonstrate as much perseverance as the United Nations is known to possess as a patient and willing peacemaker with a certain measure of credibility. Whereas peacemaking is an unfamiliar task to NATO, the OSCE has emerged as a positive force in helping implementing an agreement rather than helping negotiations process. Though active for a time (indeed wielding more influence than the UN), the European Union could not sustain itself after the air strikes. Given the fact that every conflict involving the claims for right to self determination in various parts of Asia and Africa cannot draw parallels with Kosovo problem, for the simple reason that the vital strategic interests of the United States and its European allies had to take precedence over the norms of international behavior in so far as commitments to non-use of force and respect for sovereignty and territorial integrity of member countries go.

In sum, the hypothesis of the study, viz. the UN remains in the forefront of peacemaking in working for a negotiated settlement of intricate conflicts across the world, the value of the regional organizations even in European theatre (where they are in a better state of preparedness) is varied and is at best limited to being a helpful junior partner, stands validated in respect of the Kosovo case study.

UNITED NATIONS



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Security Council

Distr. GENERAL

S/RES/1244 (1999)

10 June 1999)

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RESOLUTION 1244 (1999)

Adopted by the Security Council at it

on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles c Nations, and the primary responsibility of the Sec maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 IV 23 September 1998, 1203 (1998) of 24 October 1998 14 May 1999,

Regretting that there has not been full compl these resolutions,

Determined to resolve the grave humanitarian Republic of Yugoslavia, and to provide for the saf refugees and displaced persons to their homes,

Condemning all acts of violence against the Y all terrorist acts by any party,

Recalling the statement made by the Secretary expressing concern at the humanitarian tragedy tak

Reaffirming the right of all refugees and dis their homes in safety,

Recalling the jurisdiction and the mandate of for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia' s agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;

2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;

5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;

7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfill its responsibilities under paragraph 9 below;

8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and epublic military, police and paramilitary forces, except as provided in point 6 of annex 2;

(b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising determining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will

provide transitional administration while establishing and overseeing the development of provisional democratic self governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peacebuilding activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo; 12. Emphasizes the need for coordinated humanitarian relief operations and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;

17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in

order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

Annex 1

Statement by the Chairman on the conclusion of the meeting
of the G-8 Foreign Ministers held at the Petersberg Centre
on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;
- Comprehensive approach to the economic development and stabilization of the crisis region.

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
 - Liaison with the international civil mission and the international security presence;
 - Marking/clearing minefields;

- Maintaining a presence at Serb patrimonial sites;

- Maintaining a presence at key border crossings.

7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.

8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.

9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.

10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the footnote below. 1 A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:

Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;

Returning personnel

- Equipment associated with returning personnel;

- Terms of reference for their functional responsibilities;

- Timetable for their return;
- Delineation of their geographical areas of operation;
- Rules governing their relationship to the international security presence and the international civil mission.

Notes

Other required elements:

- A rapid and precise timetable for withdrawals, meaning, e.g., seven days to complete withdrawal and air defence weapons withdrawn outside a 25 kilometre mutual safety zone within 48 hours;
- Return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small agreed number (hundreds, not thousands);
- Suspension of military activity will occur after the beginning of verifiable withdrawals;
- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

- (a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;

(b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648) ;

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace- building activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648) ;

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related materiel for the use of the international civil and security presences;

Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;

(b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648) ;

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace- building activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648) ;

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related materiel for the use of the international civil and security presences;

Appendix ii

Summary of the Comprehensive Proposal for the Kosovo Status Settlement

About the Status Settlement

In April 2007, UN Special Envoy Martti Ahtisaari submitted to the UN Security Council his Comprehensive Proposal for the Kosovo Status Settlement (the "Ahtisaari Plan"). The Ahtisaari Plan includes a main text with 15 articles that set forth its general principles, as well as 12 annexes that elaborate upon them. The Ahtisaari Plan is primarily focused on protecting the rights, identity and culture of Kosovo's non-Albanian communities, including establishing a framework for their active participation in public life. Special Envoy Ahtisaari also proposed that Kosovo become independent, subject to a period of international supervision.

On February 17, 2008, the Kosovo Assembly declared the independence of Kosovo in line with the Ahtisaari recommendations. In its declaration of independence, Kosovo made a binding commitment to implement fully the Ahtisaari Plan and welcomed a period of international supervision. Kosovo has already begun to approve new legislation as envisioned in the Ahtisaari Plan, develop a constitution that enshrines the Ahtisaari principles and take other measures to implement fully the Ahtisaari Plan's provisions.

Key Provisions of the Settlement

- Multi-ethnic democracy -- Kosovo's multi-ethnic society will govern itself democratically and in full respect for the rule of law, human rights and fundamental freedoms, while promoting peace and prosperity for all its inhabitants.
- Constitution -- Kosovo will enshrine the above principles in a new constitution. The Ahtisaari Plan also defines other key elements that must be included, such as the protections and rights of members of all communities as described below.

- International status -- Kosovo will have the right to negotiate and conclude international agreements and to seek membership in international organizations.
- Minority rights and participation -- A central element of the Plan is protecting and promoting the rights of all people and communities in Kosovo, including the protection of their culture, language, education, and community symbols. The Plan also provides for the representation of Kosovo's non-Albanians in key public institutions to safeguard their rights and to encourage their active participation in public life.
- Decentralization -- The Ahtisaari Plan proposes wide-ranging local municipal powers. The Kosovo Serb community will have a high degree of responsibility over its own affairs, to include health care and higher education. Serb-majority communities will have extensive financial autonomy and will be able to accept transparent funding from Serbia and to take part in inter-municipal partnerships and cross-boundary cooperation with Serbian institutions. Six Serb-majority municipalities will be established or greatly expanded: Gracanica, Novo Brdo, Klokott, Ranilug, Partes, and Mitrovica-North.
- Justice system -- Kosovo's justice system will be ethnically integrated, independent, professional, and impartial. The Plan also mandates the creation of a new Constitutional Court.
- Religious and cultural heritage – The Plan sets forth provisions to safeguard the Serbian Orthodox Church in Kosovo. Protective Zones will surround more than 40 key religious and cultural sites to preserve their dignity. The Serbian Orthodox Church will be granted property rights, will be exempt from taxes and customs duties, and will be free to maintain links with the Serbian Orthodox Church in Belgrade.
- Refugees – All refugees and internally displaced persons will have the right to return and reclaim their property and personal possessions in accordance with international law. The Settlement calls upon Kosovo and Serbia to cooperate fully with the International Commission of the Red Cross to resolve the fate of missing persons.
- Economic development -- The Settlement prescribes procedures to settle property disputes and for continued privatization, both with substantial

international involvement. The Plan also defines ways to determine Kosovo's share of Serbia's international debt.

- Security -- The Plan encourages a high level of local involvement in developing a professional, multi-ethnic security sector, under democratic control and international oversight.
- The Kosovo Police Force will have a unified chain of command throughout Kosovo, with police reflecting the ethnic composition of the municipalities in which they serve.
- The Kosovo Security Force (KSF), a professional multi-ethnic force, will be established. It will have a maximum of 2,500 active members and 800 reserve members. The current Kosovo Protection Corps (KPC) will be disbanded within one year of the establishment of the KSF.
- International presence – Kosovo will have continued international supervision and support, with three main components:
 - An International Civilian Representative (ICR) – The ICR will supervise implementation of the Plan and have ultimate authority over its interpretation. This individual will serve in a dual role as ICR and European Union Special Representative. The ICR will have authority to annul decisions or laws and to sanction or remove public officials whose actions are determined by the ICR to be inconsistent with the letter or spirit of the Plan. The ICR will be the final authority in Kosovo regarding the civilian aspects of the Plan.
 - A European Security and Defence Policy (ESDP) Mission will monitor, mentor and advise on all areas related to the rule of law. It will assist Kosovo in developing efficient, fair and representative police, judicial, customs, and penal institutions.

A NATO-led International Military Presence will provide a safe and secure environment throughout Kosovo, in conjunction with the ICR and in support of Kosovo's institutions until those institutions are capable of assuming their full security responsibilities.

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